

FEDERAL REGISTER



VOLUME 20 NUMBER 144

Washington, Tuesday, July 26, 1955

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10623

AMENDMENT OF CERTAIN PROVISIONS OF EXECUTIVE ORDERS NO. 10000 AND NO. 10011, AS AMENDED, PERTAINING TO SALARY DIFFERENTIALS AND ALLOWANCES FOR OFFICERS AND EMPLOYEES OF THE FOREIGN SERVICE SERVING OUTSIDE THE UNITED STATES

By virtue of the authority vested in me by sections 303, 443, 853, and 901 of the Foreign Service Act of 1946 (60 Stat. 1002, 1006, 1024, 1025; 22 U. S. C. 843, 888, 1093, 1131) as amended by the Foreign Service Act Amendments of 1955 (69 Stat. 24) and by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

1. Clause (2) of the introductory paragraph of Order No. 10000 of September 16, 1948, prescribing regulations governing additional compensation and credit granted certain employees of the Federal Government serving outside the United States, is hereby amended to read as follows:

(2) governing the payment of salary differentials to Foreign Service officers, Foreign Service Reserve officers, and Foreign Service staff officers and employees assigned to certain posts, pursuant to the said section 443, as amended.

2. Section 401 of the said Executive Order No. 10000 is hereby amended to read as follows:

SEC. 401. *Salary Differentials.* The Secretary of State is hereby authorized and empowered to exercise the authority vested in the President by section 443 of the Foreign Service Act of 1946, as amended, to establish, under such regulations as the Secretary may prescribe, rates of salary differential, not exceeding 25 per centum of basic salary, for Foreign Service officers, Foreign Service Reserve officers, and Foreign Service staff officers and employees permanently or temporarily assigned to posts involving extraordinarily difficult living conditions, excessive physical hardship, or notably unhealthful conditions, which posts shall be known as "Foreign Service Differential Posts"

3. Section 402 of the said Executive Order No. 10000, as amended, and section 403 of that order are hereby revoked: *Provided*, that existing rules and regulations pertaining to the payment of salary differentials to Foreign Service staff officers and employees serving at designated Foreign Service Differential Posts shall remain in effect until superseded by action taken pursuant to this order.

4. Section 503 of the said Executive Order No. 10000, as amended is hereby amended to read as follows:

SEC. 503. *Designation and Cancellation of Designation of Unhealthful Posts.* The Secretary of State is hereby authorized and empowered to exercise the authority vested in the President by section 853 of the Foreign Service Act of 1946, as amended, to establish from time to time a list of places which by reason of climatic or other extreme conditions are to be classed as unhealthful posts. The Secretary is also authorized and empowered to cancel the designation of any such places as unhealthful. Each place designated as unhealthful by the Secretary hereunder shall be so designated as of January 1, 1942, or as of a later date to be fixed by the Secretary. The provisions of sections 501 and 502 of this Executive Order shall be subject to the authority delegated to the Secretary of State by this section.

5. Paragraph 1 (a) of Executive Order No. 10011 of October 22, 1948, authorizing the Secretary of State to exercise certain powers of the President with respect to the granting of allowances and allotments to Government personnel on foreign duty, is hereby amended to read as follows:

(a) The authority vested in the President by section 901 of the Foreign Service Act of 1946 (60 Stat. 1025; 22 U. S. C. 1131) as amended by section 10 of the Foreign Service Act Amendments of 1955 (69 Stat. 27), to prescribe regulations governing the granting of (1) allowances, wherever Government-owned or rented quarters are not available, for living quarters, heat, light, fuel, gas, and electricity, including allowances for the cost of lodging at temporary quarters, authorized by paragraph (1) of the said

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section; (2) cost-of-living allowances authorized by paragraph (2) of the said section, as amended; and (3) allowances in order to provide for the proper representation of the United States by officers and employees of the Foreign Service, authorized by paragraph (3) of the said section.

This order shall be effective as of July 1, 1955.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
July 23, 1955.

[F. R. Doc. 55-6079; Filed, July 25, 1955;
10:47 a. m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS; ILLINOIS

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below are determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

ILLINOIS

County:	Average value
Alexander	\$20,000
Boone	25,000
Bureau	25,000
Calhoun	16,000
Carroll	25,000
Clinton	25,000
Franklin	20,000
Greene	20,000
Hardin	15,000
Henry	25,000
Jackson	20,000
Jersey	20,000
Jo Daviess	25,000

ILLINOIS—Continued

County—Continued	Average value
Johnson	\$15,000
Marshall	25,000
Massac	16,000
Monroe	20,000
Ogle	25,000
Perry	20,000
Pope	15,000
Pulaski	20,000
Putnam	25,000
Randolph	20,000
St. Clair	25,000
Stark	25,000
Stephenson	25,000
Union	18,000
Washington	20,000
Williamson	20,000
Winnebago	25,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interprets or applies sec. 3 (a); 60 Stat. 1074; 7 U. S. C. 1003 (a))

Dated: July 20, 1955.

[SEAL] R. B. McLEAISH,
Administrator,
Farmers Home Administration.

[F. R. Doc. 55-6036; Filed, July 25, 1955;
8:52 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1955 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Soybeans]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1955 CROP SOYBEAN LOAN AND PURCHASE AGREEMENT PROGRAM

Correction

In F. R. Document 55-5760, appearing in the issue for Friday, July 15, 1955, at page 5045, make the following changes in the table in § 421.1433 (a) (1)

1. The rate for Clayton County in Iowa should read "2.03" instead of "2.02"
2. The county referred to as "Loc" under Iowa, should read "Lee"

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 27—EXCLUSION FROM PROVISIONS OF THE FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND THE CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE; STUDENT NURSES

Effective July 1, 1955, the maximum stipends prescribed under § 27.2 for positions of student nurses in Freedmen's Hospital, St. Elizabeths Hospital, and in the Government of the District of Columbia, and all other Federal hospitals, are revoked, and an item for student nurses is added to § 27.2 as follows:

§ 27.2 Maximum stipends prescribed.

Student nurses: Total for three years' training (diploma course) \$4,500
(61 Stat. 727; 5 U. S. C. 1051-1058)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-6019; Filed, July 25, 1955;
8:42 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 16, Amdt. 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936) regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitations of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 27, 1955. Shipments of Late Santa Rosa plums are currently subject to less restrictive size regulation pursuant to Plum Order 16 (§ 936.515; 20 F. R. 4847) and, unless sooner modified or terminated, will continue to be so regulated until November 1, 1955; determination as to the need for, and extent of, continued regulation of Late Santa Rosa plum shipments must await the development of the crop and the availability of information on the demand for such fruit; the recommendation and supporting information for continued regulation of Late Santa Rosa plum shipments subsequent to July 26, 1955, and in the man-

ner herein provided, was promptly submitted to the Department after an open meeting of the Plum Commodity Committee on July 21, 1955; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this amendment, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such plums; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective during the period hereinafter set forth; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

It is, therefore, ordered as follows:

The provisions in paragraph (b) of § 936.515 (Plum Order 16; 20 F. R. 4847) are hereby amended to read, during the effective period hereof, as follows:

(b) *Order* (1) During the period beginning at 12:01 a. m., P. s. t., July 27, 1955, and ending at 12:01 a. m., P. s. t., November 1, 1955, no shipper shall ship any package or container of Late Santa Rosa plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) Such plums are of a size not smaller than a size that will pack a 4 x 5 standard pack.

(2) Section 936.143 of the rules and regulations, as amended (§ 936.100 et seq., 18 F. R. 712, 2839; 19 F. R. 425) sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this regulation. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1" and "serious damage" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title) "standard pack" shall have the applicable meanings of the terms "standard pack" and "equivalent size" as when used in § 936.142 of the aforesaid amended rules and regulations; and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

Nothing contained herein shall be construed (1) as affecting or waiving any right, duty, obligation, or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provision of Plum Order 16, or (2) as releasing or extinguishing any violation of said Plum Order 16 which has occurred or

which, prior to the effective time of the provisions hereof, may occur.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 22d day of July 1955, to become effective at 12:01 a. m., P. s. t., July 27, 1955.

[SEAL] FLOYD F. HEDLUND,
Acting Director Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-6071; Filed, July 25, 1955; 8:56 a. m.]

~ [Plum Order 19, Amdt. 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936) regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitations of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 27, 1955. Shipments of Kelsey plums are currently subject to less restrictive size regulation pursuant to Plum Order 19 (§ 936.518; 20 F. R. 5119) and (unless sooner modified or terminated, will continue to be so regulated until November 1, 1955; determination as to the need for, and extent of, continued regulation of Kelsey plum shipments must await the development of the crop and the availability of information on the demand for such fruit; the recommendation and supporting information for continued regulation of Kelsey plum shipments subsequent to July 26, 1955, and in the manner herein provided, was promptly submitted to the Department after an open meeting of the Plum Commodity Committee on July 21, 1955; such meeting was held to con-

sider recommendations for regulation, after giving due notice of such meeting and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this amendment, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such plums; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective during the period hereinafter set forth; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

It is, therefore, ordered as follows:

The provisions in paragraph (b) of § 936.518 (Plum Order 19; 20 F. R. 5119) are hereby amended to read, during the effective period hereof, as follows:

(b) *Order* (1) During the period beginning at 12:01 a. m., P. s. t., July 27, 1955, and ending at 12:01 a. m., P. s. t., November 1, 1955, no shipper shall ship any package or container of Kelsey plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) Such plums are of a size not smaller than a size that will pack a 4 x 4 standard pack.

(2) Section 936.143 of the rules and regulations, as amended (§ 936.100 et seq., 18 F. R. 712, 2839; 19 F. R. 425), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this regulation. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1" and "serious damage" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title) "standard pack" shall have the applicable meanings of the terms "standard pack" and "equivalent size" as when used in § 936.142 of the aforesaid amended rules and regulations; and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

Nothing contained herein shall be construed (1) as affecting or waiving any right, duty, obligation, or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provision of Plum Order 19 or (2) as releasing or extinguishing any violation of said Plum Order 19 which has occurred or which, prior to the effective time of the provisions hereof, may occur.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 22d day of July 1955, to become effective at 12:01 a. m., P. s. t., July 27, 1955.

[SEAL] FLOYD F. HEDLUND,
Acting Director Fruit and Veg-
etable Division, Agricultural
Marketing Service.

[F. R. Doc. 55-6073; Filed, July 25, 1955;
8:56 a. m.]

[Plum Order 21]

PART 936—FRESH BARTLETT PEARS, PLUMS,
AND ELBERTA PEACHES GROWN IN CALI-
FORNIA

REGULATION BY GRADES AND SIZES

§ 936.520 *Plum Order 21*—(a) *Findings*. (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936) regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237-5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than July 27, 1955. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 21, 1955; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 21, 1955, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 27, 1955, this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of

this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section:

(b) *Order*. (1) During the period beginning at 12:01 a. m., P. s. t., July 27, 1955, and ending at 12:01 a. m., P. s. t., November 1, 1955, no shipper shall ship any package or container of President plums unless:

(i) Such plums grade at least U. S. No. 1, and

(ii) Such plums are of a size not smaller than a size that will pack a 4 x 5 standard pack.

(2) Section 936.143, as amended (§ 936.100 et seq., 18 F. R. 712, 2839; 19 F. R. 425), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1" and "serious damage" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title) "standard pack" shall have the applicable meanings of the terms "standard pack" and "equivalent size" as when used in § 936.142 of the aforesaid amended rules and regulations; and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 22, 1955.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Veg-
etable Division, Agricultural
Marketing Service.

[F. R. Doc. 55-6072; Filed, July 25, 1955;
8:56 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 1-4]

PART 1—CERTIFICATION, IDENTIFICATION, AND MARKING OF AIRCRAFT AND RELATED PRODUCTS

MISCELLANEOUS AMENDMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 20th day of July 1955.

This amendment contains a number of miscellaneous changes, a few of which are substantive in nature.

There is an addition to § 1.19 (a) which requires manufacturers of engines and variable pitch propellers produced under a type certificate to indicate in the statement of conformity that such products have received a final operational check. This change is intended to assure proper operation of such engines and propellers when installed in certificated aircraft.

There is also included new §§ 1.25 through 1.28 which establish provisions for the issuance of a supplemental type certificate for products which are altered by other than the type certificate holder by incorporating major changes which are not so extensive as to require an application for a new type certificate. It is not anticipated that this new rule will affect noticeably the approval of such major changes because it is primarily being made to attain conformance in the regulations with those provisions of the Civil Aeronautics Act of 1938, as amended, governing the issuance of airworthiness certificates. This rule will permit the issuance of a production certificate to persons other than the original type certificate holder for the change in design only, a procedure which was not admissible by the presently effective regulations. This rule is not intended to affect in any way the proprietary rights of the holder of a type certificate or of a supplemental type certificate.

The presently effective regulations do not specifically deal with the approval, quality control, and identification of aircraft replacement and modification parts produced by other than the holder of a type certificate. As a result of the foregoing, some aircraft parts of questionable quality have been installed on certificated products and considerable difficulty has been experienced administratively in attempting to rectify this situation. In view of these circumstances, there is included a new § 1.55 which makes certain existing rules applicable to such parts to assure their airworthiness. This rule is not applicable to parts manufactured by owners or operators for the purpose of maintaining or altering their own product. It should be noted that the provisions of these regulations are not intended to require or to authorize the issuance of a type certificate for replacement or modification parts; however, approval of such parts, in certain instances, may require a supplemental type certificate in accordance with § 1.25.

In addition to the foregoing changes, there are included a number of revisions intended to clarify or to make explicit certain provisions of the existing regulations which have caused concern administratively. These entail defining the privileges of the holder of a type certificate in § 1.18, and the privileges and the responsibility of a holder of a production certificate in §§ 1.35 and 1.46, respectively, and making clear in § 1.75 that special flight authorizations may be issued for conducting production flight tests.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 1 of the Civil Air Regulations (14 CFR Part 1, as amended) effective August 25, 1955:

1. By amending § 1.18 to read as follows:

* 20 F. R. 369, January 15, 1955.

§ 1.18 *Privileges.* The holder or licensee of a type certificate for a product may, in the case of aircraft, obtain airworthiness certificates (see applicable §§ 1.60 through 1.72) or in the case of engines, propellers, or other products, obtain approval for installation on certificated aircraft; he may obtain a production certificate for such products (see §§ 1.30 through 1.46)

2. By amending § 1.19 (a) by inserting after the second sentence the following new sentence: "For aircraft engines and for variable pitch propellers manufactured under a type certificate only, there shall be included a statement that the engine or propeller referred to has been subjected by the manufacturer to a final operational check."

3. By adding a new center heading and new §§ 1.25, 1.26, 1.27, and 1.28 to read as follows:

SUPPLEMENTAL TYPE CERTIFICATES

§ 1.25 *Supplemental type certificates.* When a person, other than the holder of the type certificate for a product, alters the product by introducing a major change (see § 1.21) in a previously approved type design, and the change is not so extensive as to require application for a new type certificate (see §§ 3.11 (e) 4b.11 (e) 5.11 (e) 6.11 (e) 13.11 (e) and 14.11 (e) of this chapter) such person shall apply for the issuance of a supplemental type certificate covering the design change. The application shall be made upon a form and in a manner prescribed by the Administrator.

§ 1.26 *Applicable requirements.* The applicant for a supplemental type certificate shall demonstrate that the altered product meets the airworthiness requirements which are applicable to the product involved (see §§ 3.11 (d) 4b.11 (d) 5.11 (d), 6.11 (d) 13.11 (d), and 14.11 (d) of this chapter)

§ 1.27 *Requirements for issuance.* Upon receipt of an application and a satisfactory demonstration of compliance with the applicable requirements in accordance with §§ 1.25 and 1.26, the Administrator shall indicate approval of the change in type design. Such approval together with the previously issued type certificate for the product shall constitute a supplemental type certificate.

§ 1.28 *Privileges.* The holder or licensee of a supplemental type certificate for an altered product may, in the case of aircraft, obtain airworthiness certificates (see applicable §§ 1.60 through 1.72), or in the case of engines, propellers, or other products, obtain approval for installation on certificated aircraft; he may obtain a production certificate (see §§ 1.30 through 1.46) with respect to the change in the type design for which approval was obtained in accordance with § 1.27.

NOTE: The provisions of this section are not intended to affect in any way the proprietary rights of the holder of a type certificate or of a supplemental type certificate.

4. By amending § 1.35 to read as follows:

§ 1.35 *Privileges.* It shall not be necessary for the holder of a production certificate to furnish a statement of conformity for each of the products produced under the terms of the production certificate. The holder of a production certificate may obtain an airworthiness certificate in the case of aircraft (see § 1.67 (a)) and in the case of engines, propellers, or other products may obtain approval for installation on certificated aircraft.

5. By adding a new § 1.46 to read as follows:

§ 1.46 *Responsibility of holder.* The holder of a production certificate shall maintain the quality control system in conformity with the data and procedures approved for the production certificate. He also shall determine that each completed product submitted for airworthiness certification or approval is in conformity with the type design and is in a condition for safe operation.

6. By adding a new center heading and a new § 1.55 to read as follows:

REPLACEMENT AND MODIFICATION PARTS

§ 1.55 *Applicable rules.* Any person other than the holder of the type certificate producing replacement or modification parts for sale for installation on a type certificated product shall comply with §§ 1.12 (a) and (b) 1.13, 1.15 (a) and (d) 1.20, and 1.50 (also see § 1.25)

NOTE: The provisions of this section are not applicable to parts produced under the terms of a type and/or production certificate, to parts produced by owners or operators for maintaining or altering their own product, or to standard parts (such as bolts and nuts) conforming to established industry or Government specifications; e. g., SAE and military specifications, and CAA Technical Standard Orders.

7. By amending § 1.75 to read as follows:

§ 1.75 *Special flight permits.* A special flight permit may be issued for an aircraft which may not currently meet applicable airworthiness requirements, but which is capable of safe flight, for the purpose of permitting the aircraft to be flown to a base where repairs or alterations are to be made, or to permit the delivery or export of the aircraft, or to permit production flight tests of new production aircraft.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-6025; Filed, July 25, 1955;
8:50 a. m.]

[Civil Air Regs., Amdt. 3-13]

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, AND ACROBATIC CATEGORIES MISCELLANEOUS AMENDMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 20th day of July 1955.

This amendment contains a number of miscellaneous changes. Among the more important ones is a revision of the provisions applicable to the horizontal tail gust loads in § 3.217 for the purpose of attaining consistency with the airplane gust load criteria. This amendment prescribes consideration of tail gust loads at speed V_d in addition to those prescribed at V_f and V_c so as to cover all possible critical conditions prescribed in the airplane gust load criteria. Another important revision of the structural provisions entails deletion of the assumption in § 3.241 that the airplane is a rigid body in determining ground loads. This change is intended to assure conservatism in the determination of loads when the mass is irregularly distributed.

There is also a change involving the provisions of § 3.337 which require continued normal operation of trimming controls in the event of any failure in the primary flight control system. The Board believes that the presently effective requirements impose unnecessary penalties on small airplanes because, from the viewpoint of safety, this criterion should apply only to the longitudinal trim control for single-engine airplanes and to the longitudinal and directional trim controls for multi-engine airplanes. In view of the foregoing, this amendment relaxes the existing provisions accordingly.

Section 3.386 is being amended to require that all items of mass which might come loose and injure the occupants be restrained to withstand the loads prescribed for a minor crash landing. This requirement is consistent with the requirements applicable to the protection of occupants in transport category airplanes.

There is also a change which reduces the minimum fuel capacity from one gallon for each seven maximum continuous horsepower presently prescribed in § 3.440 to a capacity sufficient for one-half hour of operation at maximum continuous power. It is believed that this amendment establishes a fuel capacity which is the minimum necessary for safety taking into account local operations and typical traffic patterns.

Section 3.561 is being amended to eliminate the provisions which permit the use of a fuel-oil volume ratio of 30:1, in lieu of a rational analysis in determining the usable oil capacity. It has been indicated that this ratio is no longer applicable to modern engines and should be increased to 40:1. Since any ratio is subject to change with improved or new designs of engines, it is considered appropriate not to include any numerical ratios in this requirement, and to retain only the objective portion of the rule which involves a rational analysis.

Section 3.667 is being amended to require that the automatic pilot system be such as not to produce dangerous loads or flight path deviations when pilot corrective action is taken within a reasonable period of time. This amendment permits the use of a quick disengaging device in demonstrating recovery from simulated malfunctions.

There is included also a revision of § 3.769 (b) which requires a placard list-

ing all approved acrobatic maneuvers for airplanes certificated in the Utility Category, and a new § 3.771 which requires a placard listing the maximum airspeed with landing gear extended and the minimum control speed with one engine inoperative. These changes are designed to assure availability of certain information important to safe flight.

In addition to the foregoing substantive changes, there are also a number of minor changes in §§ 3.74, 3.431, 3.441 and 3.715 most of which are made for clarification and consistency with other parts of the regulations.

Interested persons have been afforded an opportunity to participate¹ in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 3 of the Civil Air Regulations (14 CFR Part 3, as amended) effective August 25, 1955:

1. By amending § 3.74 to read as follows:

§ 3.74 *Maximum weight.* (a) The maximum weight shall not exceed any of the following:

(1) The weight selected by the applicant.

(2) The design weight for which the structure has been proven, except as provided in § 3.242 for multiengine airplanes.

(3) The maximum weight at which compliance with all of the applicable flight requirements has been demonstrated.

(b) The maximum weight shall not be less than the weights under the loading conditions prescribed in subparagraphs (1) and (2) of this paragraph assuming that the weight of the occupant in each of the seats is 170 pounds for the normal category and 190 pounds for the utility and acrobatic categories, unless placarded otherwise.

(1) All seats occupied, oil to full tank capacity, and at least a fuel supply for one-half hour operation at rated maximum continuous power.

(2) Fuel and oil to full tank capacities, and minimum crew.

2. By amending § 3.217 to read as follows:

§ 3.217 *Gust loads.* The horizontal tail surfaces shall be designed for loads occurring in the conditions specified in paragraphs (a) and (b) of this section.

(a) Positive and negative gusts of 30 feet per second nominal intensity at speed V_c corresponding with the flight condition specified in § 3.187 (a) with flaps retracted.

NOTE: The average loadings of Figures 3-5 (a) and (b) and the distribution of Figure 3-9 may be used for the total tail loading in this condition.

(b) Positive and negative gusts of 15 feet per second nominal intensity at speed V_f corresponding with the flight condition specified in § 3.190 (b) with flaps extended and at speed V_d corresponding with the flight condition specified in § 3.187 (b) with flaps retracted.

(c) In determining the total load on the horizontal tail for the conditions specified in paragraphs (a) and (b) of this section, the initial balancing tail loads shall first be determined for steady unaccelerated flight at the pertinent design speeds V_f , V_c , and V_d . The incremental tail load resulting from the gust shall be added to the initial balancing tail load to obtain the total tail load.

NOTE: The incremental tail load due to the gust may be computed by the following formula:

$$\Delta t = 0.1 KUVS_{tL} \left[1 - \frac{3C_{aL}}{R_{wL}} \right]$$

where:

Δt = the limit gust load increment on the tail in pounds,

K = gust coefficient K in § 3.183,

U = nominal gust intensity in feet per second,

V = airplane speed in miles per hour,

S_t = tail surface area in square feet,

a_t = slope of lift curve of tail surface, C_L per degree, corrected for aspect ratio,

a_w = slope of lift curve of wing, C_L per degree, and

R_{wL} = aspect ratio of the wing.

3. By amending § 3.241 by deleting the first sentence and inserting in lieu thereof the following: "The loads specified in the following conditions shall be considered as the external loads and the inertia forces which occur in an airplane structure."

4. By amending § 3.337 by deleting the fourth sentence and inserting in lieu thereof the following: "Longitudinal trimming devices for single-engine airplanes and longitudinal and directional trimming devices for multiengine airplanes shall be capable of continued normal operation notwithstanding the failure of any one connecting or transmitting element in the primary flight control system."

5. By amending § 3.386 by adding a new paragraph (d) to read as follows:

§ 3.386 *Protection.* * * *

(d) The inertia forces specified for N, U, and A category airplanes in paragraph (a) of this section shall be applied to all items of mass which would be apt to injure the passengers or crew if such items became loose in the event of a minor crash landing, and the supporting structure shall be designed to restrain these items.

6. By amending § 3.431 by deleting the reference "§ 3.85 (b)" and inserting in lieu thereof the reference "§ 3.85 (b) or § 3.85a (b) "

7. By amending § 3.440 by deleting the sentence "The total usable capacity of the fuel tanks shall not be less than 1 gallon for each seven maximum continuous rated horsepower for which the airplane is certificated" and inserting in lieu thereof the following: "The total usable capacity of the fuel tanks shall be sufficient for not less than one-half hour operation at rated maximum continuous power (see § 3.74 (d)) "

8. By amending § 3.441 (a) (3) by deleting the sentence "Subsequent tanks shall be production tested to at least 0.5 p. s. i."

9. By amending § 3.561 by deleting the last sentence.

10. By amending § 3.667 (a) to read as follows:

§ 3.667 *Automatic pilot system.* * * *

(a) The system shall be designed so that the automatic pilot can either:

(1) Be quickly and positively disengaged by the human pilot(s) to prevent it from interfering with his control of the airplane, or

(2) Be sufficiently overpowered by one human pilot to enable him to control the airplane.

11. By amending § 3.667 (d) to read as follows:

§ 3.667 *Automatic pilot system.* * * *

(d) The automatic pilot system shall be designed so that, within the range of adjustment available to the human pilot, it cannot produce hazardous loads on the airplane or create hazardous deviations in the flight path under any conditions of flight appropriate to its use either during normal operation or in the event of malfunctioning, assuming that corrective action is initiated within a reasonable period of time.

12. By amending § 3.715 by deleting the words "specified in § 3.386 (a)" from the last sentence and inserting in lieu thereof the words "equal to those specified in § 3.386 (a) multiplied by a factor of 1.33"

13. By amending § 3.769 (b) to read as follows:

§ 3.769 *Approved flight maneuvers.*

(b) *Category U.* A placard shall be provided in clear view of the pilot stating: "Acrobatic maneuvers are limited to the following: ----- (list approved maneuvers) "

14. By adding a new § 3.771 to read as follows:

§ 3.771 *Airspeed placards.* The following airspeed limitations shall be shown on placards in view of the pilot:

(a) Maximum speed with landing gear extended, if the airplane is equipped with retractable landing gear.

(b) Minimum control speed with one engine inoperative, for multiengine airplanes.

(Sec. 205, 52 Stat. 924; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1667, 1669, as amended; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-6026; Filed, July 25, 1955; 8:50 a. m.]

[Civil Air Regs., Amdt. 4b-2]

PART 4b—AIRPLANE AIRWORTHINESS;
TRANSPORT CATEGORIES

MISCELLANEOUS AMENDMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 20th day of July, 1955.

This amendment includes a number of significant changes which are considered to represent the initial step in the development of airworthiness requirements more specifically applicable to turbine-powered transport category airplanes. These entail revisions to the flight, structural, and powerplant installation

¹ 20 F. R. 369, January 15, 1955.

provisions and in most cases are generally applicable to transport category airplanes, irrespective of the type of powerplant used. The most significant changes in the flight provisions which cater to turbine-powered airplanes deal with the establishment of limiting climb speeds for the all-engine-operating landing configuration in § 4b.119 and for the one-engine-inoperative approach configuration in § 4b.120. No limiting speeds are prescribed for these configurations in the currently effective regulations. In view of the fact that the best climb speeds for jet-powered airplanes might be considerably higher than the operational landing speed, these changes are designed to assure a reasonable relationship between the climb speeds and the landing speed. Other revisions of the flight provisions include changes in the take-off speed requirements of § 4b.114, in the trim requirements of §§ 4b.141 and 4b.142, and in the stability requirements of §§ 4b.154 and 4b.155.

Among the changes in the structural requirements is a new provision in § 4b.216 (a) which is more specifically applicable to turbine-propeller-powered airplanes. It prescribes taking into account the high torque which might occur from possible unwanted feathering of a propeller under full power.

In addition there are other changes to the structural provisions which are generally applicable. These involve a requirement in new § 4b.216 (d) which prescribes consideration of the unsymmetrical tail loads which might be caused by propeller drag as a result of possible time delay between engine failure and feathering of the propeller, a requirement in § 4b.210 (b) (4) allowing the applicant to limit V_c at altitudes where V_d is limited by Mach number, and a requirement in § 4b.231 (a) which prescribes an investigation of the landing gear for loads resulting from the higher contact speeds at altitudes and during downwind landings when the approval of landings above 5,000 feet or landings in downwinds exceeding 10 m. p. h., respectively is sought.

There are included amendments with respect to the installation of smoke detectors in cargo compartments. The currently effective rules in Part 4b require the installation of smoke detectors in cargo compartments "B" "C" and "D." In addition, the currently effective provisions in the air carrier operating parts of the Civil Air Regulations require, on all passenger airplanes with engines of over 600 horsepower, the installation of smoke detectors in "B" and "C" compartments. On the other hand, pending further development of reliable smoke detectors, Special Civil Air Regulation No. SR-401 permits noncompliance with the smoke detector provisions in Part 4b and in the operating parts of the regulations until April 1, 1956. This amendment revises §§ 4b.383 (b) (2) (c) (1) (i) and (d) so that heat-type fire detectors may be installed in lieu of smoke detectors in compartments "B" and "C" and no detectors need be installed in compartments "D." Concurrently with this amendment, Parts 40, 41, and 42 are

being amended so that heat-type fire detectors may be installed in lieu of smoke detectors in compartments "B" and "C."

A number of significant changes are included in connection with the powerplant installational requirements for the purpose of making them more specifically applicable to turbine-powered airplanes. In this regard changes are made to §§ 4b.460, 4b.480, 4b.483, 4b.486, 4b.488, and 4b.490. These changes entail several new provisions designed mainly for the protection against fire in turbine powerplant installations. They include provisions against overflow of combustible fluids in the induction system, provisions which specify the compressor and accessory section of the turbine engine as designated fire zones, and provisions making certain requirements of the presently effective regulations for designated fire zones applicable to the combustion, turbine, and tail pipe sections.

In addition, § 4b.640 is being amended to incorporate a comprehensive and detailed set of standards intended to provide protection in types of icing conditions which might be reasonably anticipated during normal operations.

There is also included an amendment which changes § 4b.740 so that each airplane need not be furnished with an Airplane Flight Manual if such a manual is not required by the operating parts of the Civil Air Regulations. Concurrently with this amendment, Parts 40, 41, and 42 are being amended to require the carriage of an approved Airplane Flight Manual only when the airplane does not carry an operators' manual containing all the information as required for the Airplane Flight Manual.

In addition to the foregoing substantive changes, there are included a number of miscellaneous minor changes most of which are editorial or of a clarifying nature.

Interested persons have been afforded an opportunity to participate¹ in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 4b of the Civil Air Regulations (14 CFR Part 4b, as amended), effective August 25, 1955:

1. By amending § 4b.1 (b) by adding new subparagraphs (7) and (8) to read as follows:

§ 4b.1 Definitions. * * *

(b) General design. * * *

(7) *Continuous maximum icing.* The maximum continuous intensity of atmospheric icing conditions is defined by the variables of the cloud liquid water content, the mean effective diameter of the cloud droplets, the ambient air temperature, and the inter-relationship of these three variables as shown in Figure 4b-24a. The limiting icing envelope in terms of altitude and temperature is given in Figure 4b-24b. The inter-relationship of cloud liquid water content with drop diameter and altitude is determined from Figures 4b-24a and 4b-24b. The cloud liquid water content

for continuous maximum icing conditions of a horizontal extent other than twenty miles is determined by the value of liquid water content of Figure 4b-24a multiplied by the appropriate factor from Figure 4b-24c. (See § 4b.640.)

(8) *Intermittent maximum icing.* The intermittent maximum intensity of atmospheric icing conditions is defined by the variables of the cloud liquid water content, the mean effective diameter of the cloud droplets, the ambient air temperature, and the inter-relationship of these three variables as shown in Figure 4b-25a. The limiting icing envelope in terms of altitude and temperature is given in Figure 4b-25b. The inter-relationship of cloud liquid water content with drop diameter and altitude is determined from Figures 4b-25a and 4b-25b. The cloud liquid water content for intermittent maximum icing conditions of a horizontal extent other than three miles is determined by the value of cloud liquid water content of Figure 4b-25a multiplied by the appropriate factor in Figure 4b-25c. (See § 4b.640.)

NOTE: There is some indication that the upper altitude limit might extend to 30,000 feet pressure altitude, and the lower limit of ambient temperature may be as low as -40° F. Because of this, the portions in this region of Figures 4b-25a and 4b-25b are shown by dashed lines.

2. By amending § 4b.1 (d) by adding a new subparagraph (21) to read as follows:

§ 4b.1 Definitions. * * *

(d) *Speeds.* * * *

(21) M Mach number is the ratio of true airspeed to the speed of sound.

3. By amending § 4b.114 (b) (1) and (2) to read as follows:

§ 4b.114 Take-off speeds. * * *

(b) * * *

(1) $1.2 V_{s1}$ for two-engine propeller-driven airplanes and for airplanes without propellers which have no provisions for obtaining a significant reduction in stalling speed with power on (one engine inoperative)

(2) $1.15 V_{s1}$ for propeller-driven airplanes having more than two engines and for airplanes without propellers which have provisions for obtaining a significant reduction in stalling speed with power on (one engine inoperative)

4. By amending § 4b.119 (b) by adding a new subparagraph (7) to read as follows:

§ 4b.119 Climb; all engines operating. * * *

(b) *Landing configuration.* * * *

(7) A climb speed not in excess of $1.4 V_{s0}$.

5. By amending § 4b.120 (d) by adding a new subparagraph (8) to read as follows:

§ 4b.120 *One-engine-inoperative climb.* * * *

(d) *Flaps in approach position.* * * *

(8) A climb speed not in excess of $1.5 V_{s1}$.

6. By amending § 4b.141 to read as follows:

¹ 20 F. R. 369, January 15, 1955.

§ 4b.141 *Lateral and directional trim.* The airplane shall maintain lateral and directional trim under the most adverse lateral displacement of the center of gravity within the relevant operating limitations, under all normally expected conditions of operation, including operation at any speed from $1.4 V_{S1}$ to V_{NO} or to M_{NO} , whichever is the lesser.

7. By amending § 4b.142 (c) to read as follows:

§ 4b.142 *Longitudinal trim.* * * *

(c) During level flight at any speed from $1.4 V_{S1}$ to V_{NO} or to M_{NO} , whichever is the lesser, with the landing gear and wing flaps retracted, and from $1.4 V_{S1}$ to V_{LE} with the landing gear extended.

8. By amending § 4b.154 (d) to read as follows:

§ 4b.154 *Stability during climb.* * * *

(d) 75 percent of maximum continuous power for reciprocating-engine-powered airplanes; and maximum power thrust selected by the applicant as an operating limitation for use during climb (see § 4b.718) for turbine-engine-powered airplanes.

9. By amending § 4b.155 (a) (3) and (4) to read as follows:

§ 4b.155 *Stability during cruising—*
(a) *Landing gear retracted.* * * *

(3) 75 percent of maximum continuous power, or the maximum cruising power selected by the applicant as an operating limitation (see § 4b.718, whichever is the greater, except that the power need not exceed that required at V_{NO} .

(4) The airplane trimmed for level flight with the power specified in subparagraph (3) of this paragraph.

10. By amending § 4b.155 (b) (3) to read as follows:

§ 4b.155 *Stability during cruising.* * * *

(b) *Landing gear extended.* * * *

(3) 75 percent of maximum continuous power, or the maximum cruising power selected by the applicant as an operating limitation, whichever is the greater, except that the power need not exceed that required for level flight at V_{LE} .

11. By amending § 4b.210 (b) (4) by deleting the last sentence and inserting in lieu thereof the following: "At altitudes where V_D is limited by Mach number, it shall be acceptable to limit V_C to a Mach number selected by the applicant."

12. By amending § 4b.212 by designating the introductory paragraph as paragraph (a) and by redesignating paragraphs (a) and (b) as subparagraphs (1) and (2) of paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 4b.212 *Effect of high lift devices.* * * *

(b) When flaps or similar high lift devices are intended for use in en route conditions (e. g., as speed brakes) the airplane shall be assumed to be subjected to symmetrical maneuvers and gusts, with flaps in the appropriate position at

the supplementary V_{FF} speed established in accordance with § 4b.714 (c), resulting in limit load factors, within the range determined by the following conditions:

(1) Maneuvering to a positive limit load factor of 2.5,

(2) Positive and negative 30 fps nominal intensity gusts acting normal to the flight path in level flight.

13. By amending § 4b.216 (a) by deleting "(1) and (2)" from the first sentence and inserting in lieu thereof "(1) through (3)"

14. By amending § 4b.216 (a) by adding a new subparagraph (3) to read as follows:

§ 4b.216 *Supplementary flight conditions.* * * *

(a) *Engine torque effects.* * * *

(3) For turbine propeller installations, in addition to the conditions specified in subparagraphs (1) and (2) of this paragraph, the limit torque corresponding with takeoff power and propeller speed multiplied by a factor of 2.0 shall

be considered to act simultaneously with lg level flight loads.

15. By amending § 4b.216 by adding a new paragraph (d) to read as follows:

§ 4b.216 *Supplementary flight conditions.* * * *

(d) The tail shall be designed for unsymmetrical loads resulting from failure of one engine.

16. By amending § 4b.221 (a) by adding "(a)" after the reference "§ 4b.212"

17. By amending § 4b.226 (a) to read as follows:

§ 4b.226 *Ground gust conditions.* * * *

(a) The control system between the stops nearest the surfaces and the cockpit controls shall be designed for loads corresponding with the limit hinge moments H of paragraph (b) of this section, except that these loads need not exceed those corresponding with the maxima of Figure 4b-5 for each pilot alone, or with 75 percent of these max-

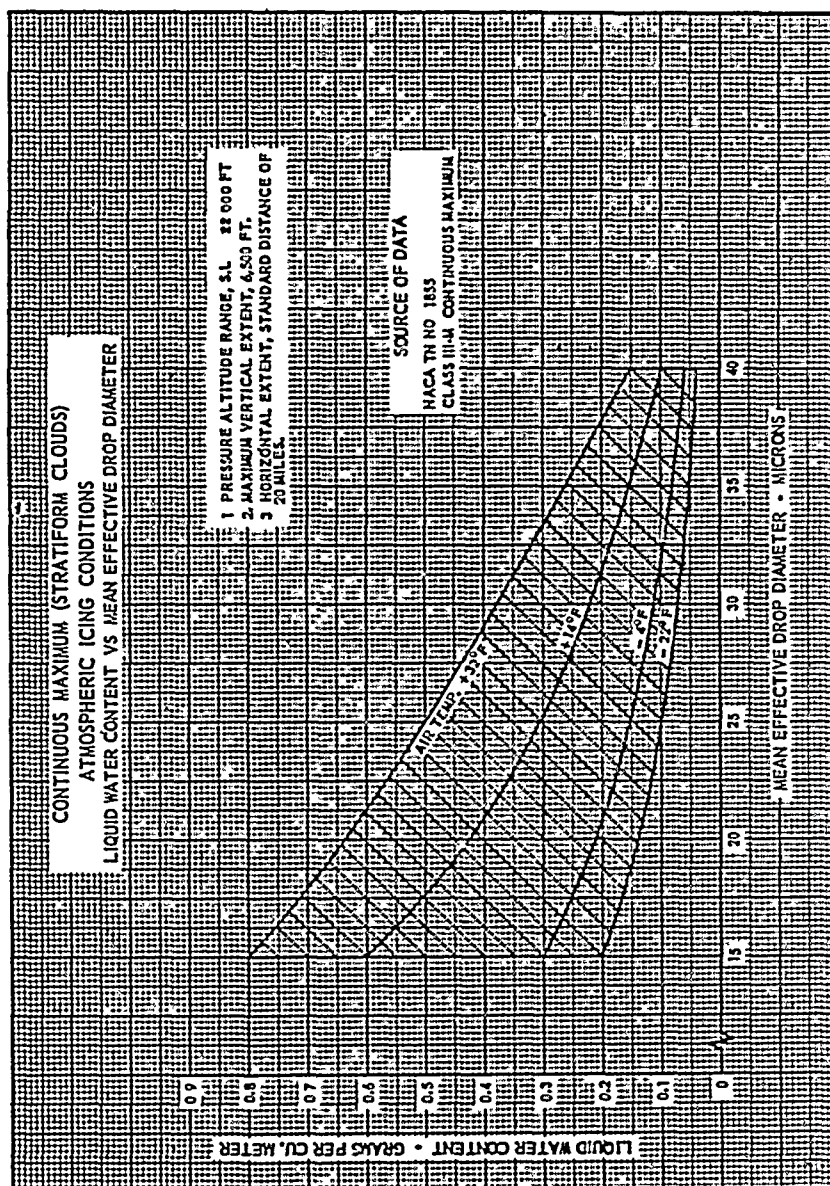


FIGURE 4b-24a

uma for each pilot when the pilots act in conjunction.

18. By amending § 4b.231 (a) by inserting after the first sentence the following: "When approval of landings downwind exceeding 10 m. p. h. or landings at elevations higher than 5,000 feet is sought, the effect of increased contact speeds shall be investigated."

19. By amending § 4b.356 (b) by adding after the second sentence the following parenthetical note:

NOTE: It is not the intent to prohibit the use of inward opening doors if sufficient measures are provided to prevent occupants from crowding against the door to an extent which would interfere with the opening of the door.

20. By amending § 4b.373 by revising the parenthetical reference at the end of the section to read "(See also §§ 4b.216 (c) and 4b.352, and the oxygen requirements of the appropriate operating parts of the Civil Air Regulations.)"

21. By amending § 4b.383 (b) (2) by deleting the words "other than a heat detector"

22. By amending § 4b.383 (c) (1) (i) by deleting the words "other than heat detector"

23. By amending § 4b.383 (d) by deleting subparagraph (1) and by redesignating subparagraphs (2) (3) (4) and (5) as subparagraphs (1) (2) (3) and (4) respectively.

24. By amending § 4b.386 (a) (3) by adding the following words at the end thereof "except that no fire extinguishment need be provided in cabin ventilating air passages"

25. By amending § 4b.401 (c) by deleting the first sentence and inserting in lieu thereof the following: "Means shall be provided for individually stopping and restarting the rotation of any engine in flight, except that for turbine engine installations means for stopping the rotation need be provided only if such rotation could jeopardize the safety of the airplane."

26. By amending § 4b.404 (c) by deleting the word "propeller" between the words "the" and "speed" and inserting in lieu thereof the word "engine"

27. By amending § 4b.417 (a) (1) to read as follows:

§ 4b.417 *Fuel system hot weather operation.* (a) * * *

(1) For reciprocating-engine-powered airplanes, all engines shall operate at maximum continuous power, except that take-off power shall be used for the altitude range extending from 1,000 feet below the critical altitude through the critical altitude. The time interval during which take-off power is used shall not be less than the take-off time limitation. For turbine-engine-powered airplanes, all engines shall operate at take-off power for the time interval selected by the applicant in demonstrating the take-off flight path and thereafter shall operate at maximum continuous power for the duration of the climb.

28. By amending § 4b.418 (a) to read as follows:

§ 4b.418 *Flow between interconnected tanks.* (a) Where tank outlets are in-

terconnected and permit flow through the interconnection due to gravity or flight accelerations, it shall not be possible for fuel to flow between tanks in quantities sufficient to cause an overflow of fuel from the tank vent with the tanks full when the airplane is operated as prescribed in § 4b.416 (b) except that weights greater than the landing weight shall be acceptable if necessary because of the fuel loading.

29. By amending § 4b.420 by deleting paragraph (e) and by redesignating paragraph (f) as paragraph (e)

30. By deleting §§ 4b.455 through 4b.457.

31. By amending § 4b.460 by adding a new paragraph (f) to read as follows:

§ 4b.460 *General.* * * *

(f) For turbine-engine-powered airplanes, provisions shall be made to prevent hazardous quantities of fuel leakage or overflow from drains, vents, or other components of flammable fluid systems to enter the engine intake system.

32. By amending § 4b.480 (a) by adding a new subparagraph (6) to read as follows:

§ 4b.480 *Designated fire zones.* * * *

(a) * * *

(6) Compressor and accessory sections of turbine engines.

33. By amending § 4b.481 (c) to read as follows:

§ 4b.481 *Flammable fluids.* * * *

(c) If absorbent materials are located in proximity to flammable fluid system components which might be subject to leakage, such materials shall be covered or treated to prevent the absorption of hazardous quantities of fluids.

34. By amending the introductory paragraph of § 4b.483 to read as follows:

§ 4b.483 *Lines and fittings.* All lines and fittings carrying flammable fluids or gases in designated fire zones or in the combustion, turbine, or tail pipe sections of turbine engines shall comply

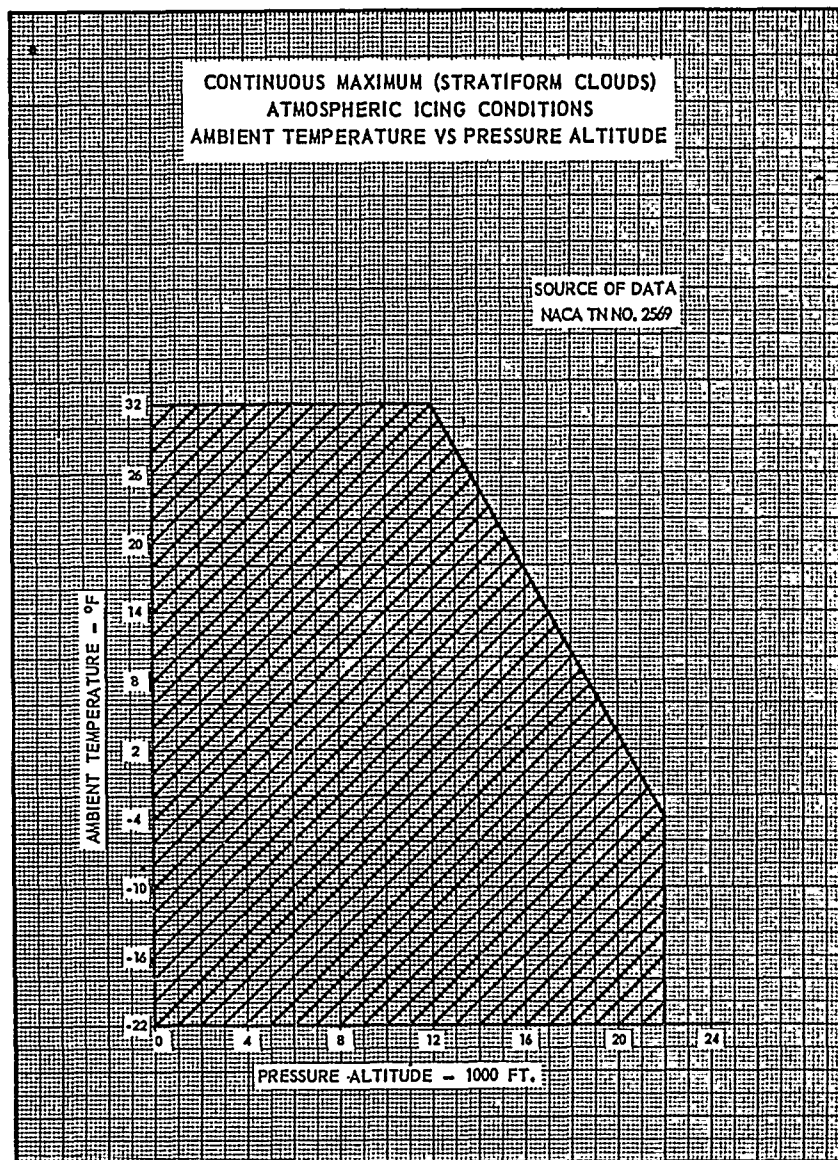


FIGURE 4b-24 b

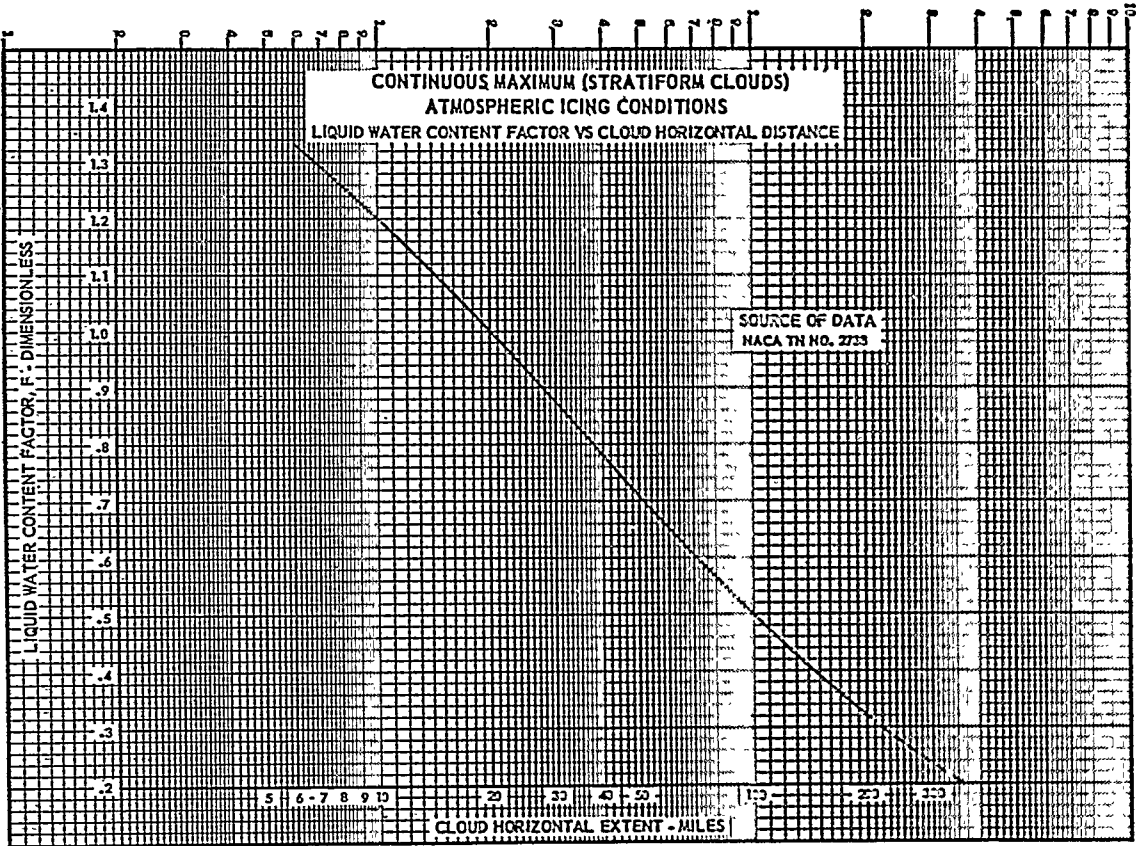


FIGURE 4b-24c

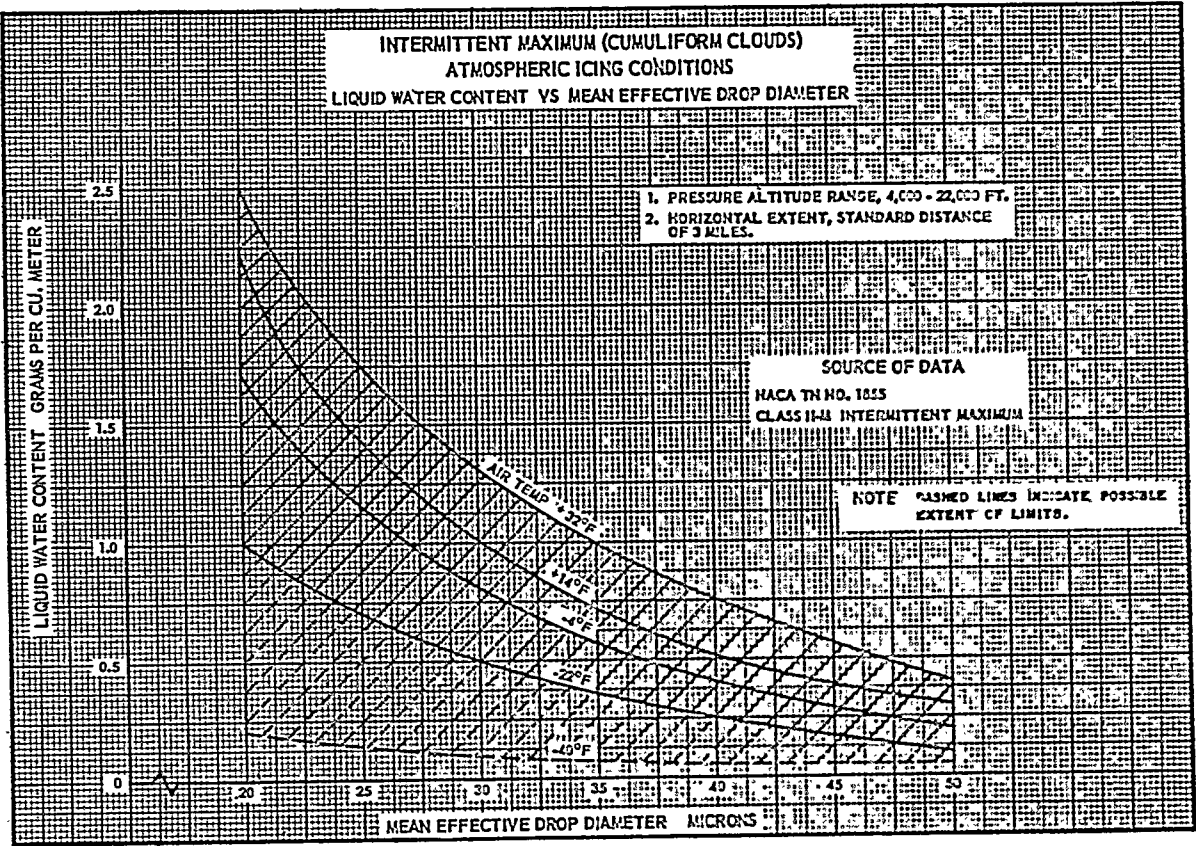


FIGURE 4b-25c

with the provisions of paragraphs (a) through (c) of this section.

35. By amending § 4b.484 (a) by adding a note at the end of subparagraph (1) to read as follows:

NOTE: Induction systems for reciprocating engines are considered to be located in a designated fire zone, and therefore subject to the fire extinguisher protection provisions unless tests or experience with the particular type of induction and carburetion systems shows that fuel burning in the induction system passages is not likely to occur.

36. By amending the introductory paragraph of § 4b.486 to read as follows:

§ 4b.486 *Fire walls.* All engines, auxiliary power units, fuel-burning heaters, and other combustion equipment which are intended for operation in flight as well as the combustion, turbine, and tail pipe sections of turbine engines shall be isolated from the remainder of the airplane by means of fire walls, shrouds, or other equivalent means. The following shall apply:

37. By amending § 4b.487 (e) by deleting the first sentence and inserting in lieu thereof the following: "The airplane shall be so designed and constructed that, in the event of fire originating in the engine power or accessory sections, the probability is extremely remote for fire to enter either through openings or by burning through external skin into any other zone of the nacelle where such fire could create additional hazards."

38. By amending § 4b.488 to read as follows:

§ 4b.488 *Engine accessory section diaphragm.* Unless equivalent protection can be shown by other means, a diaphragm shall be provided on air-cooled engines to isolate the engine power section and all portions of the exhaust system from the engine accessory compartment and on turbine engines to isolate the combustion, turbine, and tail pipe sections from the compressor and accessory sections. This diaphragm shall comply with the provisions of § 4b.486.

39. By amending § 4b.489 (a) to read as follows:

§ 4b.489 *Drainage and ventilation of fire zones.* (a) Complete drainage of all portions of designated fire zones shall be provided to minimize the hazards resulting from failure or malfunctioning of components containing flammable fluids. The drainage provisions shall be effective under conditions expected to prevail when drainage is needed and shall be so arranged that the discharged fluid will not cause an additional fire hazard.

40. By amending § 4b.490 by redesignating the introductory paragraph as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 4b.490 *Protection of other airplane components against fire.* * * *

(b) Consideration shall be given to the effect on adjacent parts of the airplane of heat within designated fire zones and within the combustion, turbine, and tail pipe sections of turbine engines.

41. By amending § 4b.610 by adding a note at the end of the section to read as follows:

NOTE: It may be necessary to duplicate certain instruments at two or more crew stations to meet the instrument visibility requirements prescribed in § 4b.611, or when required by the operating rules of the Civil Air Regulations for reliability or cross-check purposes in particular types of operations. In the latter case, independent operating systems would be required in accordance with the provisions of § 4b.612 (f).

42. By amending § 4b.612 (d) (1) to read as follows:

§ 4b.612 *Flight and navigational instruments.* * * *

(d) *Automatic pilot system.* * * *

(1) The system shall be so designed that the automatic pilot can be either quickly and positively disengaged by the human pilots to prevent it from interfering with their control of the airplane, or be overpowered by one human pilot to enable him to control the airplane.

43. By amending § 4b.612 (d) (3) by changing the word "pilot" to "pilots"

44. By amending § 4b.612 (f) by deleting the first sentence and inserting in lieu thereof the following: "If duplicate flight instruments are required by the operating parts of the Civil Air Regulations (see note under § 4b.610), the operating system for a duplicate instrument shall be completely independent of the operating system for the duplicated instrument."

45. By amending § 4b.632 (e) (1) and (2) to read as follows:

§ 4b.632 *Position light system installation.* * * *

(e) *Flasher* * * *

(1) The flashing frequency shall not be less than 65 and not more than 85 flashes per minute.

(2) The flashing sequence of position lights shall conform to either one of the following:

(i) The forward position lights and fuselage lights flashing simultaneously at the rate specified in subparagraph (1) of this paragraph, with the rear red position light flashing simultaneously with one flash of the forward position and fuselage lights and the rear white posi-

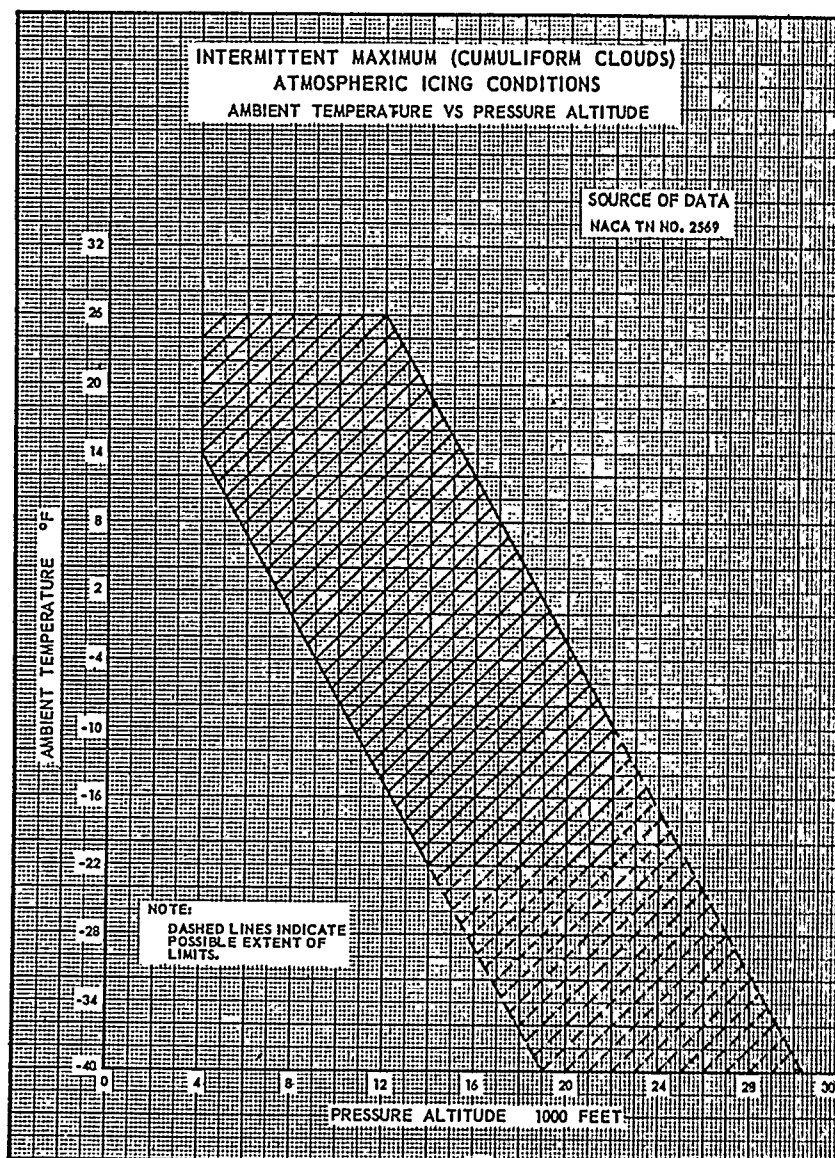


FIGURE 4b-25b

tion light flashing simultaneously with the next flash of the forward position and fuselage lights, or

(ii) The forward position lights and fuselage lights flashing alternately at the rate specified in subparagraph (1) of this paragraph, with the rear white position light flashing simultaneously with the forward position lights and the rear red position light flashing simultaneously with the fuselage lights.

46. By amending § 4b.634 (b) (3) to read as follows:

§ 4b.634 *Position light distribution and intensities.* * * *

(b) *Forward and rear position lights.* * * *

(3) *Overlaps between adjacent signals.* The intensities in overlaps between adjacent signals shall not exceed the values given in Figure 4b-20, except that higher intensities in the overlaps shall be acceptable with the use of main beam intensities substantially greater than the minima specified in Figures 4b-18 and 4b-19 if the overlap intensities

in relation to the main beam intensities are such as not to affect adversely signal clarity.

47. By amending the note under Figure 4b-20 in § 4b.634 (c) to read as follows:

NOTE: Area A includes all directions in the adjacent dihedral angle which pass through the light source and which intersect the common boundary plane at more than 10 degrees but less than 20 degrees. Area B includes all directions in the adjacent dihedral angle which pass through the light source and which intersect the common boundary plane at more than 20 degrees.

48. By amending § 4b.640 to read as follows:

§ 4b.640 *Ice protection.* Compliance with this section is optional. The requirements of this section are intended to provide for safe flight in icing conditions. When compliance is shown with the provisions of this section, the type certificate shall include certification to that effect. When an airplane is certificated to include ice protection pro-

visions, the recommended procedures for the use of the ice protection equipment shall be set forth in the Airplane Flight Manual (see § 4b.742 (a)). It shall be shown, as prescribed in paragraphs (a) and (b) of this section, that the airplane is capable of operating safely in continuous maximum and intermittent maximum icing conditions as defined in §§ 4b.1 (b) (7) and (8).

(a) An analysis shall be performed to establish, on the basis of the airplane's operational needs, the adequacy of the ice protection system for the various components of the airplane.

(b) In addition to the analysis and physical evaluation prescribed in paragraph (a) of this section, the effectiveness of the ice protection system and its components shall be shown by one or more of the following means:

(1) Laboratory dry air and/or simulated icing tests of the actual components or models thereof.

(2) Flight dry air tests of the ice protection system as a whole, or of its components individually.

(3) Flight tests of the airplane or its components in measured simulated icing conditions.

(4) Flight tests of the airplane in measured natural atmospheric icing conditions.

NOTE: For turbine-powered airplanes, the ice protection provisions of this section are considered to be primarily applicable to the airframe, including engine inlet duct lips and surfaces. For the powerplant installation, certain additional provisions of Subpart E of this part may be found applicable.

49. By amending § 4b.643 by deleting from the last sentence the words "specified in § 4b.260 (a)" and inserting in lieu thereof the words "equal to those specified in § 4b.260 (a) multiplied by a factor of 1.33"

50. By amending § 4b.712 by adding a new paragraph (c) to read as follows:

§ 4b.712 *Normal operating limit speed, V_{NO} .* * * *

(c) At altitudes where V_{NE} is limited by compressibility, a spread between V_{NO} and V_{NE} shall not be required; i. e., M_{VO} equal to the lesser of M_{NE} or M_G shall be acceptable.

51. By amending § 4b.732 by deleting the first sentence of the introductory paragraph and inserting in lieu thereof the following: "The following markings shall be placed on the air-speed indicator in terms of IAS."

52. By amending § 4b.740 (a) to read as follows:

§ 4b.740 *General.* (a) An Airplane Flight Manual shall be prepared by the applicant for the type certificate and shall be furnished with each airplane except with those airplanes which specifically are not required by the operating parts of the Civil Air Regulations to carry such manual.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1067, 1069, as amended; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-6027; Filed, July 25, 1955; 8:50 a. m.]

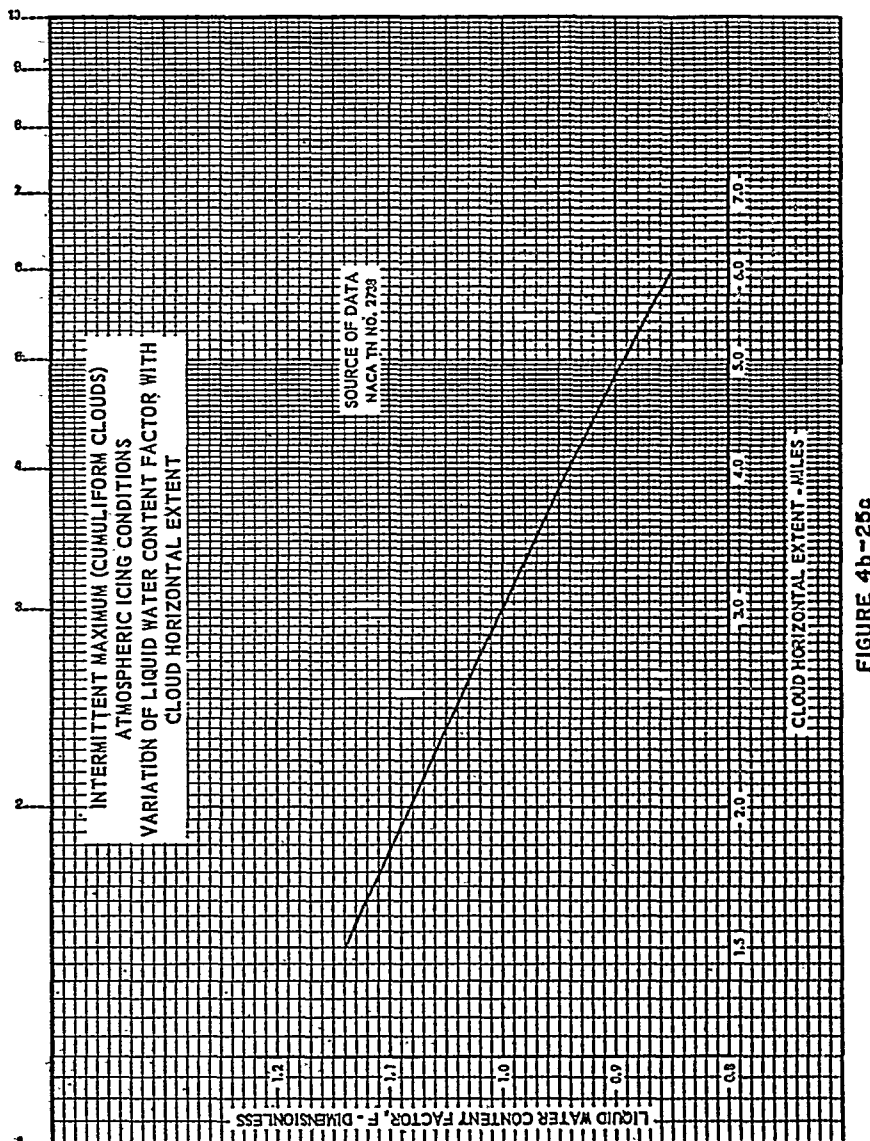


FIGURE 4b-25a

[SR-401A]

**PART 4b—AIRPLANE AIRWORTHINESS;
TRANSPORT CATEGORIES****PART 40—SCHEDULED INTERSTATE AIR CARRIER
CERTIFICATION AND OPERATION
RULES****PART 41—CERTIFICATION AND OPERATION
RULES FOR SCHEDULED AIR CARRIER OP-
ERATIONS OUTSIDE THE CONTINENTAL
LIMITS OF THE UNITED STATES****PART 42—IRREGULAR AIR CARRIER AND
OFF-ROUTE RULES****SPECIAL CIVIL AIR REGULATION; SMOKE AND
FIRE DETECTORS**

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 20th day of July 1955.

Prior to the effective date of this regulation, the rules in Part 4b of the Civil Air Regulations required the installation of smoke detectors in cargo compartments "B" "C" and "D" of transport category airplanes. Also the air carrier operating parts of the Civil Air Regulations required, on all passenger airplanes with engines of over 600 horsepower, the installation of smoke detectors in "B" and "C" compartments. On the other hand, Special Civil Air Regulation No. SR-401 permitted noncompliance with the smoke detector provisions in Part 4b and in the operating parts of the regulations until April 1, 1956.

As a result of studies and discussions conducted during the 1954 Annual Airworthiness Review, certain changes to the current provisions were indicated. This Special Civil Air Regulation reflects in part these changes by amending SR-401 so as to permit noncompliance with the smoke and fire detector provisions of the operating parts for cargo compartments until April 1, 1957. Concurrently with the promulgation of this special regulation, Parts 40, 41, and 42 are being amended to permit the installation of heat-type fire detectors in lieu of smoke detectors in cargo compartments "B" and "C". There is also being promulgated an amendment to Part 4b which incorporates the aforementioned change being made in the operating parts and, in addition, eliminates the requirement for smoke or fire detectors in cargo compartments "D".

In effect this special regulation will necessitate the installation of smoke or fire detectors in cargo compartments "B" and "C" of currently operated airplanes after April 1, 1957. However, there appears to be some question as to whether all the air carriers will have sufficient time for the procurement and installation of fire detectors on currently operated airplanes by that date. To alleviate any undue hardship, the provisions of this regulation permit the Administrator to extend the compliance date for any air carrier who applies for such an extension when he finds that the applicant has made a diligent effort to comply with the pertinent requirements of the operating parts and has shown that he will comply with them by a date certain.

Interested persons have been afforded an opportunity to participate¹ in the making of this regulation, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective August 25, 1955:

1. Effective until April 1, 1957, notwithstanding the provisions of Parts 40, 41, and 42 of the Civil Air Regulations, no person shall be required to install or maintain smoke or fire detectors in airplane cargo compartments unless otherwise directed by the Administrator.

2. Upon application by an air carrier prior to April 1, 1957, the Administrator may authorize an air carrier to operate without full compliance with the fire detector requirements of Parts 40, 41, or 42 for a temporary period after April 1, 1957, where the Administrator finds that the air carrier has made a diligent effort to comply with the necessary fire detector requirements by April 1, 1957, and that the air carrier has shown that it will comply by a date certain.

This regulation supersedes Special Civil Air Regulation SR-401 and shall terminate on April 1, 1959, unless sooner superseded or rescinded by the Board.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 604; 52 Stat. 1007, 1009, 1010, as amended; 49 U. S. C. 551, 553, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-6034; Filed, July 25, 1955;
8:52 a. m.]

[Civil Air Regs. Amdt. 6-7]

PART 6—ROTORCRAFT AIRWORTHINESS**MISCELLANEOUS AMENDMENTS**

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 20th day of July 1955.

This amendment includes a few relatively minor changes. Among these is an addition to § 6.355 which requires taking into account in the design of the pilots' seats the load reactions resulting from the pilots' control of the rotorcraft. This change is intended to define more completely the conditions applicable to structural design of the seats and is consistent with the requirements in other airworthiness parts of the Civil Air Regulations. Also, § 6.420 is being amended to eliminate the requirement for minimum fuel capacity for the purpose of permitting flexibility in installing fuel tanks of minimum capacity to suit any particular operation contemplated for the rotorcraft type.

Interested persons have been afforded an opportunity to participate¹ in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 6 of the Civil Air Regulations (14 CFR Part 6, as amended) effective August 25, 1955.

1. By amending § 6.101 (b) (2) to read as follows:

§ 6.101 *Weight limitations.* * * *

(b) * * * (2) usable fuel appropriate to the operation contemplated with full payload, * * *

2. By amending § 6.355 by inserting at the end of the section before the parenthetical reference note the following sentence: "In addition, pilot seats shall be designed for the reactions resulting from the application of pilot forces to the flight controls as prescribed in § 6.225 (a) "

3. By amending § 6.420 by deleting the first sentence and inserting in lieu thereof the following: "The usable fuel capacity shall be sufficient for the operations contemplated."

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-6028; Filed, July 25, 1955;
8:50 a. m.]

[Civil Air Regs., Amdt. 18-4]

**PART 18—MAINTENANCE, REPAIR, AND AL-
TERATION OF AIRFRAMES, POWERPLANTS,
PROPELLERS, AND APPLIANCES****MISCELLANEOUS AMENDMENTS**

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 20th day of July 1955.

This amendment contains two minor changes with respect to the airworthiness requirements applicable to all alterations and to the issuance of supplemental type certificates for major alterations. These changes consist primarily of adding reference notes of a clarifying nature.

Interested persons have been afforded an opportunity to participate¹ in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 18 of the Civil Air Regulations (14 CFR Part 18, as amended) effective August 25, 1955.

1. By amending footnote 5 applicable to § 18.11 (b) by adding at the end thereof the following sentence: "See also § 1.25 of this chapter."

2. By amending § 18.30 (b) by inserting "applicable" before the words "airworthiness requirements" and by adding footnote 6 to read as follows:

*The airworthiness requirements applicable to an alteration are normally those with which the manufacturer originally demonstrated compliance for the issuance of a type certificate. The Aircraft Specification includes a reference to that part of the Civil Air Regulations and to the category under which the original type certification was obtained. The individual parts of the airworthiness regulations specify that the provisions in effect on the date of application for approval of the alteration may be made applicable. (See §§ 3.11, 4b.11, 5.11, 6.11, 13.11, or 14.11 of this chapter, whichever part is applicable.) More detailed information on the requirements applicable at the time of

¹ 20 F. R. 369, January 15, 1955.

type certification can be obtained from the Civil Aeronautics Administration.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 605, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 555)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-6029; Filed, July 25, 1955;
8:51 a. m.]

[Civil Air Regs., Amdt. 40-16]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

MISCELLANEOUS AMENDMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 20th day of July 1955.

The presently effective provisions of Part 4b of the Civil Air Regulations require that each transport category airplane be furnished with an Airplane Flight Manual. In addition, the presently effective provisions of Part 40 require the maintenance of an operator's manual for the use of flight personnel. In many instances the information contained in the Airplane Flight Manual has also been contained in the operator's manual. The Board is of the opinion, therefore, that the regulations should be changed so that air carriers need carry only the operator's manual in their airplanes. This amendment adds a new § 40.53 which in effect permits an air carrier to carry on its airplanes only the operator's manual if such manual also contains information required for the Airplane Flight Manual. Concurrently with this amendment, Part 4b is being amended so that each airplane need not be furnished with an Airplane Flight Manual if not required by the operating parts of the Civil Air Regulations.

The current provisions of § 40.115 (b) and (c) require, on all passenger airplanes with engines of over 600 horsepower, the installation of smoke detectors in "B" and "C" compartments. As a result of studies and discussions conducted during the 1954 Annual Airworthiness Review, certain changes to these provisions were indicated. This amendment reflects in part these changes by amending § 40.115 (b) and (c) so as to permit the installation of heat-type fire detectors in lieu of smoke detectors in cargo compartments "B" and "C". It should be noted that Special Civil Air Regulation SR-401 permitted noncompliance with the smoke detector provisions in Part 4b and in the operating parts of the Civil Air Regulations until April 1, 1956. Concurrently with this amendment, SR-401 is being amended so that the installation of either smoke or fire detectors will not be mandatory until April 1, 1957.

Interested persons have been afforded an opportunity to participate¹ in the making of this amendment, and due consideration has been given to all relevant matter presented.

¹ 20 F. R. 369, January 15, 1955.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended) effective August 25, 1955.

1. By adding a new § 40.53 to read as follows:

§ 40.53 *Airplane flight manual.* (a) The air carrier shall keep current an approved Airplane Flight Manual for each type of transport category airplane which it operates.

(b) An approved Airplane Flight Manual or a manual complying with § 40.50 and containing information required for the Airplane Flight Manual shall be carried in each transport category airplane.

2. By amending § 40.115 (b) by deleting the words "other than heat detector"

3. By amending § 40.115 (c) by deleting the words "other than heat detector"

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-6030; Filed, July 25, 1955;
8:51 a. m.]

[Civil Air Regs. Amdt. 41-2]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

GENERAL; AIRPLANE FLIGHT MANUAL

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 20th day of July 1955.

The current provisions of § 41.20 of Part 41 of the Civil Air Regulations require, on all passenger airplanes with engines of over 600 horsepower, the installation of smoke detectors in "B" and "C" compartments. As a result of studies and discussions conducted during the 1954 Annual Airworthiness Review, certain changes to these provisions were indicated. This amendment reflects in part these changes by amending § 41.20 so as to permit the installation of heat-type fire detectors in lieu of smoke detectors in cargo compartments "B" and "C". It should be noted that Special Civil Air Regulation SR-401 permitted noncompliance with the smoke detector provisions in Part 4b and in the operating parts of the Civil Air Regulations until April 1, 1956. Concurrently with this amendment, SR-401 is being amended so that the installation of either smoke or fire detectors will not be mandatory until April 1, 1957.

The presently effective provisions of Part 4b of the Civil Air Regulations require that each transport category airplane be furnished with an Airplane Flight Manual. In addition, the presently effective provisions of Part 41 require the maintenance of an operator's manual for the use of flight personnel. In many instances the information con-

tained in the Airplane Flight Manual has also been contained in the operator's manual. The Board is of the opinion, therefore, that the regulations should be changed so that air carriers need carry only the operator's manual in their airplanes. This amendment adds a new § 41.120a which in effect permits an air carrier to carry on its airplanes only the operator's manual if such manual also contains information required for the Airplane Flight Manual. Concurrently with this amendment, Part 4b is being amended so that each airplane need not be furnished with an Airplane Flight Manual if not required by the operating parts of the Civil Air Regulations.

Interested persons have been afforded an opportunity to participate¹ in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 41 of the Civil Air Regulations (14 CFR Part 41, as amended) effective August 25, 1955.

1. By amending § 41.20 (e) by adding at the end thereof the following: "except that fire detectors of the heat type shall be acceptable in lieu of smoke detectors for installation in Class "B" and "C" cargo compartments."

2. By adding a new § 41.120a to read as follows:

§ 41.120a *Airplane flight manual.* (a) The air carrier shall keep current an approved Airplane Flight Manual for each type of transport category airplane which it operates.

(b) An approved Airplane Flight Manual or a manual complying with § 41.120 and containing information required for the Airplane Flight Manual shall be carried in each transport category airplane.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-6031; Filed, July 25, 1955;
8:51 a. m.]

[Civil Air Regs. Amdt. 42-3]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

FIRE PREVENTION REQUIREMENTS; AIRPLANE FLIGHT MANUAL

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 20th day of July 1955.

The current provisions of § 42.12 of Part 42 of the Civil Air Regulations require, on all passenger airplanes with engines of over 600 horsepower, the installation of smoke detectors in "B" and "C" compartments. As a result of studies and discussions conducted during the 1954 Annual Airworthiness Review, certain changes to these provisions were indicated. This amendment reflects in part these changes by amending § 42.12 so as to permit the installation of heat-

type fire detectors in lieu of smoke detectors in cargo compartments "B" and "C". It should be noted that Special Civil Air Regulation SR-401 permitted noncompliance with the smoke detector provisions in Part 4b and in the operating parts of the Civil Air Regulations until April 1, 1956. Concurrently with this amendment, SR-401 is being amended so that the installation of either smoke or fire detectors will not be mandatory until April 1, 1957.

The presently effective provisions of Part 4b of the Civil Air Regulations require that each transport category airplane be furnished with an Airplane Flight Manual. In addition, the presently effective provisions of Part 42 require the maintenance of an operator's manual for the use of flight personnel. In many instances the information contained in the Airplane Flight Manual has also been contained in the operator's manual. The Board is of the opinion, therefore, that the regulations should be changed so that air carriers need carry only the operator's manual in their airplanes. This amendment adds a new § 42.60a which in effect permits an air carrier to carry on its airplanes only the operator's manual if such manual also contains information required for the Airplane Flight Manual. Concurrently with this amendment, Part 4b is being amended so that each airplane need not be furnished with an Airplane Flight Manual if not required by the operating parts of the Civil Air Regulations.

Interested persons have been afforded an opportunity to participate¹ in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended) effective August 25, 1955.

1. By amending § 42.12 by adding after the date "November 1, 1946" the following: "except that fire detectors of the heat type shall be acceptable in lieu of smoke detectors for installation in Class "B" and "C" cargo compartments"

2. By adding a new § 42.60a to read as follows:

§ 42.60a *Airplane flight manual.* (a) The air carrier shall keep current an approved Airplane Flight Manual for each type of transport category airplane which it operates.

(b) An approved Airplane Flight Manual or a manual complying with § 42.60 and containing information required for the Airplane Flight Manual shall be carried in each transport category airplane.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-6032; Filed, July 25, 1955; 8:51 a. m.]

¹ 20 F. R. 369, January 15, 1955.

[Civil Air Regs. Amdt. 43-1]

PART 43—GENERAL OPERATION RULES

ADDITIONAL INSTRUMENTS FOR IFR OPERATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 20th day of July 1955.

This amendment includes a substantive change which requires an artificial-horizon and a directional gyro as additional instruments for IFR flight operations. This additional equipment is made mandatory because flight tests on small aircraft have shown that safe instrument flight without such equipment is extremely difficult under rough air conditions.

Interested persons have been afforded an opportunity to participate¹ in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 43 of the Civil Air Regulations (14 CFR Part 43, as amended) effective August 25, 1955.

By amending § 43.30 by adding a new note after the introductory paragraph and by adding new subparagraphs (8) and (9) to paragraph (c) to read as follows:

§ 43.30 *Instruments and equipment for NC powered aircraft or powered aircraft with standard airworthiness certificates.* * * *

NOTE: Instrument and equipment installations are required to comply with the applicable airworthiness parts of the Civil Air Regulations.

* * * * *

(c) *Instrument flight rules.* * * *

(8) Gyroscopic bank and pitch indicator (artificial-horizon)

(9) Gyroscopic direction indicator (directional gyro or equivalent)

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-6033; Filed, July 25, 1955; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6301]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MORRIS FELDMAN ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods;* § 13.155 *Prices:* Exaggerated as Regular and Customary Savings and Discounts Subsidized, § 13.235 *Source or origin.* Place: *Foreign, in general.* Subpart—*Misbranding or mislabeling:* § 13.1185 *Composition,* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1225 *History;*

§ 13.1260 *Nature;* § 13.1265 *Old, second-hand, reclaimed or reconstructed product as new;* § 13.1325 *Source or origin.* Maker or Seller, etc.. Fur Products Labeling Act; Place: *Foreign, in general.* Subpart—*Misrepresenting oneself and goods—Goods:* § 13.1590 *Composition,* § 13.1623 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1650 *History of product;* § 13.1685 *Nature;* § 13.1695 *Old, second-hand, reclaimed or reconstructed as new;* § 13.1745 *Source or origin.* Maker or Seller, etc.. Place: *Foreign, in general.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition.* Fur Products Labeling Act; § 13.1854 *History of product:* Fur Products Labeling Act; § 13.1870 *Nature:* Fur Products Labeling Act; § 13.1880 *Old, used, reclaimed, or reused as unused or new:* Fur Products Labeling Act; § 13.1900 *Source or origin.* Fur Products Labeling Act; Maker or seller, etc.. Place. In connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product, or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act: (A) Misbranding fur products by: (1) Failing to affix labels to fur products showing: (a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the Rules and Regulations; (b) that the fur product contains or is composed of used fur, when such is a fact; (c) that the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is a fact; (d) that the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact; (e) the name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce; and (f) the name of the country of origin of any imported furs used in the fur product; (2) setting forth on labels attached to fur products: (a) Required information in abbreviated form or in handwriting; and (b) non-required information mingled with required information; (3) failing to show on labels attached to fur products, made in whole or in part of imported fur, the term "fur origin" preceding the country of origin, on said labels, as required by Rule 12 (e) of the aforesaid Rules and Regulations (§ 301.12 (e) of this chapter) and (4) failing to set forth on labels attached to fur products an item number or mark assigned to such products; (B) Falsely or deceptively invoicing fur products by: (1) Failing to furnish invoices to purchases of fur

products showing: (a) the name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the Rules and Regulations; (b) that the fur product contains or is composed of used fur, when such is a fact; (c) that the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is a fact; (d) that the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact; (e) the name and address of the person issuing such invoice; and (f) the name of the country of origin of any imported fur contained in a fur product; (2) setting forth required information in abbreviated form; (3) failing to set forth on invoices pertaining to fur products an item number or mark assigned to such products; and (C) Falsely or deceptively advertising fur products, through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products, and which: (1) Fails to disclose: (a) That the fur products are composed in whole or in substantial part of paws, tails, bellies, or waste fur when such is the fact; and (b) the country of origin of imported furs as required by the Fur Products Labeling Act or in the manner and form permitted by Rule 38 (b) of the Rules and Regulations (§ 301.38 (b) of this chapter) promulgated thereunder; (2) represents, directly or by implication: (a) That the regular or usual price of any fur product is any amount which is in excess of the price at which the respondents have usually and customarily sold such products in the recent regular course of their business; and (b) that a sale price enables purchasers of fur products to effectuate any savings in excess of the difference between the said price and the price at which comparable products were sold by respondents during the time specified or, if no time is specified, in excess of the difference between said price and the current price at which comparable products are sold by respondents; and (3) making pricing claims or representations of the type referred to in (C) (2) (a) and (b) above, unless there is maintained by respondents an adequate record disclosing the facts upon which such claims or representations are based; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Morris Feldman et al. d. b. a. Parisian Fur Company, Dallas, Tex., Docket 6301, July 7, 1955]

In the Matter of Morris Feldman, Harry Feldman, David Feldman and Lillian Feldman, Individually and as Copartners Doing Business as Parisian Fur Company

This proceeding was heard by Everett F. Haycraft, hearing examiner, upon the complaint of the Commission which charged respondents with the use of unfair methods of competition and unfair acts and practices in commerce, in violation of the provisions of the Federal

Trade Commission Act, the Fur Products Labeling Act, and the Rules and Regulations promulgated under the latter; and upon a stipulation which was entered into by respondents with counsel supporting the complaint following the filing of their answer, which provided for the entry of a consent order disposing of all the issues in the proceeding, and which was submitted to said hearing examiner, theretofore duly designated by the Commission, for his consideration in accordance with Rule V of the commission's rules of practice.

It was set forth in said stipulation that respondents admitted all the jurisdictional allegations of the complaint and agreed that the record in the matter might be taken as if the Commission had made findings of jurisdictional facts in accordance with such allegations; that the answer theretofore filed in the proceeding by respondents be withdrawn; that all parties expressly waived a hearing before the hearing examiner or the Commission, and all further and other procedure to which the respondents might be entitled under the Federal Trade Commission Act or the rules of practice of the Commission; and that respondents also agreed that the order to cease and desist issued in accordance with said stipulation should have the same force and effect as if made after a full hearing, and specifically waived any and all right, power, or privilege to challenge or contest the validity of said order.

It was further stipulated and agreed that the complaint in the matter might be used in construing the terms of the order provided for in said stipulation; that the signing of said stipulation was for settlement purposes only and did not constitute an admission by respondents that they had violated the law as alleged in the complaint; that said stipulation was subject to approval in accordance with Rules V and XXII of the Commission's Rules of Practice, and that said order should have no force and effect unless and until it became the order of the Commission.

Thereafter, the proceeding having come on for final consideration by said hearing examiner on the complaint and the aforesaid stipulation for consent order, said hearing examiner made his initial decision in which he set forth the aforesaid matters; his conclusion that said stipulation provided for an appropriate disposition of the proceeding; his acceptance of said stipulation, which he ordered filed as a part of the record; his permission to respondents to withdraw their said answer and his findings for jurisdictional purposes with respect to said respondents and the jurisdiction of the Commission over the subject matter of the proceeding and of said respondents; and including his findings that the complaint stated a cause of action against said respondents under the Acts concerned and that the proceeding was in the public interest; and in which he issued his order to cease and desist.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission

and Order To File Report of Compliance" dated June 27, 1955, became, on July 7, 1955, pursuant to § 3.21 of the Commission's Rules of Practice, the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That respondents Morris Feldman, Harry Feldman, David Feldman and Lillian Feldman, individually and as copartners doing business as Parisian Fur Company, or under any other trade name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product, or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by—

1. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the Rules and Regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached dyed or otherwise artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product.

2. Setting forth on labels attached to fur products:

(a) Required information in abbreviated form or in handwriting;

(b) Non-required information mingled with required information.

3. Failing to show on labels attached to fur products, made in whole or in part of imported fur, the term "fur origin," preceding the country of origin, on said labels, as required by § 301.12 (e) of this chapter (Rule 12 (e)).

4. Failing to set forth on labels attached to fur products an item number or mark assigned to such products.

B. Falsely or deceptively invoicing fur products by—

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the Rules and Regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported fur contained in a fur product.

2. Setting forth required information in abbreviated form.

3. Failing to set forth on invoices pertaining to fur products an item number or mark assigned to such products.

C. Falsely or deceptively advertising fur products, through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly in the sale or offering for sale of fur products, and which:

1. Fails to disclose:

(a) That the fur products are composed in whole or in substantial part of paws, tails, bellies, or waste fur when such is the fact;

(b) The country of origin of imported furs as required by the Fur Products Labeling Act or in the manner and form permitted by § 301.38 (b) of this chapter (Rule 38 (b)).

2. Represents, directly or by implication:

(a) That the regular or usual price of any fur product is any amount which is in excess of the price at which the respondents have usually and customarily sold such products in the recent regular course of their business;

(b) That a sale price enables purchasers of fur products to effectuate any savings in excess of the difference between the said price and the price at which comparable products were sold by respondents during the time specified or, if no time is specified, in excess of the difference between said price and the current price at which comparable products are sold by respondents.

3. Making pricing claims or representations of the type referred to in Paragraph C (2) (a) and (b) above, unless there is maintained by respondents an adequate record disclosing the facts upon which such claims or representations are based.

By said "Decision of the Commission" etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form

in which they have complied with the order to cease and desist.

Issued: June 27, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-6016; Filed, July 25, 1955;
8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

[Amdt. 63]

PART 1670—RECORDS ADMINISTRATION IN FEDERAL RECORD DEPOTS

FORWARDING MAIL ADDRESSED TO A REGISTRANT; SUPPLYING INFORMATION FROM RECORDS

Sections 1670.19, 1670.31, and 1670.32 of the Selective Service Regulations are revoked.

(Secs. 6, 7, 61 Stat. 32, sec. 10, 62 Stat. 618, as amended; 50 U. S. C. App. 326, 327, 460)

The foregoing revocation shall be effective immediately upon the filing hereof with the Division of the FEDERAL REGISTER.

[SEAL] LEWIS B. HERSHEY,
Director of Selective Service.

JULY 21, 1955.

[F. R. Doc. 55-6020; Filed, July 25, 1955;
8:49 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

SACRAMENTO RIVER AND ITS TRIBUTARIES, CALIFORNIA

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.716 is hereby amended, revising paragraph (a) (1) (i) governing the operation of the Sacramento County highway bridge at Walnut Grove, California and the State of California highway bridge at Paintersville, California, revoking paragraph (a) (4) governing the Sacramento Northern Railway Company Bridge at Meridian, California, adding paragraph (a) (4-a) prescribing special regulations governing the operation of the Colusa County highway bridge across the Sacramento River at Colusa, California, and by the addition of paragraph (e) prescribing special regulations governing the operation of the Sacramento County highway bridge across the American River at Sacramento, California, as follows:

§ 203.716 *Sacramento River and its tributaries, California*—(a) *Sacramento River*—(1) *Sacramento County highway bridge at Walnut Grove and State of California highway bridge at Paintersville*: (i) For signaling vessels proceed-

ing downstream and upstream the owner of or agency controlling the Sacramento County highway bridge shall provide lights which shall be operated in conjunction with sound and visual signals from the bridge. The lights shall be visible to approaching vessels and shall be located on the east side of the river. The lights for directing downbound traffic shall be located approximately 3,500 feet upstream from the bridge. The lights for directing upbound traffic shall be located approximately 750 feet downstream from the bridge. When the draw of the bridge can be opened a flashing green light shall be operated. When the draw of the bridge cannot be opened immediately, a flashing red light shall be operated.

* * * * *
(4) *Sacramento Northern Railway Bridge at Meridian*. [Revoked]

(4-a) *Colusa County highway bridge at Colusa*. At least 12 hours' advance notice required. To be given to the Colusa County Sheriff's office at Colusa, California.

* * * * *
(e) *American River; Sacramento County highway bridge at Sacramento*. At least 4 days' advance notice required. To be given to the Sacramento County Engineer at Sacramento, California.

[Regs., July 1, and July 12, 1955, 823.01-ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-6000; Filed, July 25, 1955;
8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1913]

PART 101—GENERAL REGULATIONS INVOLVING APPLICATIONS AND ENTRIES

SERVICE OF NOTICES; USE OF CERTIFIED MAIL

A new subheading and section are added to Part 101 as follows:

SERVICE OF NOTICES

§ 101.19 *Use of certified mail*. Effective August 1, 1955, certified mail as outlined in 39 CFR Part 58 (20 F. R. 3438) may be used in lieu of registered mail in public land matters within the jurisdiction of the Department of the Interior where use of such registered mail was required prior to August 1, 1955, by this chapter, except notices of the initiation of Government contests against mining claims pursuant to Part 222 of this chapter.

(R. S. 2428; 43 U. S. C. 1201)

DOUGLAS McKAY,
Secretary of the Interior

JULY 19, 1955.

[F. R. Doc. 55-6003; Filed, July 25, 1955;
8:45 a. m.]

Appendix C—Public Land Orders

[Public Land Order 1192]

[Misc. 68646]

ALASKA

EXCLUDING CERTAIN TRACTS FROM CHUGACH NATIONAL FOREST AND RESTORING THEM FOR PURCHASE AS HOMESITES

By virtue of the authority vested in the President by Section 1 of the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The following-described tracts of public land in Alaska, occupied as homesites and identified by surveys of which plats and field notes are on file in the Bureau of Land Management, are hereby excluded from the Chugach National Forest, Alaska, as hereinafter indicated, and restored, subject to valid existing rights, for purchase as homesites under Section 10 of the act of May 14, 1898, as amended by the act of May 26, 1934 (48 Stat. 809; 48 U. S. C. 461)

U. S. Survey No. 2757, lot 5, 3.65 acres; latitude 60°55'26" N., longitude 149°39'20" W. (Homesite No. 76, Porcupine Creek Group).

U. S. Survey No. 2529, lot E, 4.80 acres; latitude 60°29'38" N., longitude 149°21' W. (Homesite No. 98, Moose Pass Group).

U. S. Survey No. 2528, lot 22, 4.45 acres; latitude 60°28'23" N., longitude 149°21' W. (Homesite No. 155, Trail Lake Group).

ORME LEWIS,

Assistant Secretary of the Interior.

JULY 20, 1955.

[F. R. Doc. 55-6004; Filed, July 25, 1955; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10200; FCC 55-782]

[Rules Amdt. 2-2]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

DELETION OF CERTAIN USES BY DOMESTIC FIXED SERVICE OF CERTAIN FREQUENCIES FOR PURPOSES OTHER THAN SAFETY OF LIFE AND PROPERTY

Introduction and Issues Presented

1. This proceeding was initiated by the Commission on May 23, 1952, when it released a notice of proposed rule making. This notice proposed to amend § 2.104 (a) (1) (d)¹ of the Commission's rules

¹The designation of this section of the Rules has been changed to § 2.104 (a) (1) (iv). This section provides:

§ 2.104 Frequency allocations—(a) Table of frequency allocations. (1) In the table of frequency allocations below 25 Mc, the authority extended to stations in the fixed service, unless otherwise specified, extends only to those stations in the following categories of service:

- (i) Aeronautical fixed;
- (ii) Fixed (in Territories);
- (iii) International fixed public;

so as to eliminate the authority for the State of California to continue operating a radio network used by the Federal-State Market News Service (hereinafter sometimes referred to as FSMNS) on the frequencies 2848, 4245², 5365, 7625, and 7640 kc. As indicated in that notice the provision for the operations of the FSMNS has been the only exception in the rules to the general policy of not permitting the use of frequencies below 25 mc for domestic point-to-point short range communications except those communications concerned with the safety of life and property. The State of California, as well as numerous other interested parties, filed comments in response to this notice.

2. Thereafter, on September 22, 1952, the Commission released a further notice of proposed rule making in this docket in order "to clear up any misunderstanding which may have been inadvertently caused by the original notice" and to emphasize that the purpose of the proceeding was not to terminate the service being rendered by the FSMNS network, but rather that the Commission believed that the "public interest requires that the use of radio frequencies below 25000 kc for this service by FSMNS should be discontinued and that conversion to wire lines or to available microwave frequencies will result in improvement in the market news service which will be of benefit to its users in the State of California." The reasons expressed for this belief, among others, were that "the use of frequencies below 25000 kc . . . within the continental United States . . . is contrary to existing national policy" that the international fixed service of the United States has suffered a significant reduction of spectrum space pursuant to the provisions of the Atlantic City (1947) Radio Regulations, resulting in a difficult problem in finding a sufficient number of operating frequencies for this important international service and creating a difficult problem in the implementation of the Atlantic City Table of Frequency Allocations; and that use of a portion of this frequency spectrum is needed in the mobile service.

3. Additional comments were filed by interested parties after the further notice was issued. In its further comments (filed February 18, 1953), the State of California requested that a hearing be held on the Commission's proposal. In

(iv) Fixed service which, as of January 1, 1952, has station assignments on the frequencies 2848, 4245, 5365, 7625 and 7630 kc.

(The rule promulgated with respect to the frequency of 7690 kc, is as noted by FSMNS in error in this particular, the correct frequency being 7640 kc).

²By an order released June 12, 1953, the Commission modified the licenses of FSMNS to specify 4555 kc in lieu of 4245 kc in order to permit coast telegraph station KPH, Bolinas, California, to be licensed on 4247 kc as assigned by the 1951 Extraordinary Administrative Radio Conference (EARC) Agreement. The order specified that such modification is without prejudice to the contentions of the State of California as set forth in its comments in Docket 10200, and is subject to the Commission's final determination in that docket proceeding.

addition to its further comments, the State of California filed a petition requesting the Commission to amend Parts 10 and 11 of its rules so as to permit the State to become the licensee of a microwave radio network which could be jointly used by various State agencies, each of whom is now eligible to use radio facilities for a specific purpose, and which could also be used for other State communications not now permitted by the Commission's Rules.

4. On November 30, 1953, the Commission released an order which, pursuant to the request of the State of California, provided that a hearing in the instant proceeding would be held commencing February 23, 1954, on the sole issue of whether § 2.104 (a) (1) (iv) of the Commission's rules should be amended so as to delete authority for certain uses by the Domestic Fixed Service of frequencies below 25 mc for purposes other than the safety of life and property. At the same time, in a separate proceeding (Docket No. 10777), the Commission issued a notice of proposed rule making, with respect to the petition of the State of California that the rules be amended to permit a state to become the licensee of a combined microwave system which would be used for the handling of public safety, administrative and agricultural information traffic on a non-common carrier basis.

5. Pursuant to the order designating a hearing in Docket No. 10200, the State of California, the Pacific Telephone and Telegraph Company (Pacific) the Western Union Telegraph Company (Western Union) the United States Independent Telephone Association (U. S. I. T. A.) the United States Department of Agriculture (U. S. D. A.) and the general counsel of the Commission filed timely notification of their intention to appear and present testimony at the hearing. The hearing was held in Washington, D. C. on February 23, 25 and 26, 1954, before the Commission sitting en banc. In addition, witnesses appeared in behalf of the Master of the California State Grange, Agriculture Council of California and the California Farm Bureau Federation. However, no testimony was presented by the United States Independent Telephone Association.

6. After the close of the record herein, the following memoranda, briefs, proposed findings of fact and conclusions were filed: a memorandum brief by the United States Independent Telephone Association, proposed findings of fact and conclusions by the general counsel of the Federal Communications Commission, brief and proposed findings of fact and conclusions by The Pacific Telephone and Telegraph Company, proposed findings of facts, conclusions and brief by the State of California, a memorandum by the Western Union Telegraph Company, a reply brief by the general counsel of the Federal Communications Commission, and a reply brief by the State of California. Oral argument was requested by the State of California. In addition, in response to a request of the Commission, the State of California submitted an opinion of Edmund G. Brown, Attorney General, W. R. Augustine,

Deputy Attorney General of the State of California concerning certain legal questions relative to the possible availability of funds to the California State Department of Agriculture for converting the current use of high frequencies for radiotelegraph and radioteletype to other types of facilities. Oral argument was held before the Commission en banc on September 21, 1954, in which the State of California, the general counsel of the Commission, the Pacific Telephone and Telegraph Company the United States Independent Telephone Association, and the Western Union Telegraph Company participated.

7. A necessary preliminary step to setting forth findings of fact and conclusions is that of clearly outlining the matter at issue in this proceeding. Over a period of many years the Federal Communications Commission and its predecessor, the Federal Radio Commission, have authorized the use of a number of frequencies in the high frequency band on the basis that the services which the applicants sought to provide were required by the public convenience and necessity. Thus, in addition to having found that the use of radio by the FSMNS serves the public interest, it has also been found that the use of radio frequencies by other licensees also serves the public interest. As will hereinafter be set forth in more detail, the United States, through international agreement with other nations has accepted an allocation of frequencies which has reduced the amount of spectrum space available to a great many of its existing licensees, among which is FSMNS. The issue in this proceeding, therefore, is not whether the services of these various licensees are in the public interest, but whether, in the light of the critical shortage of frequencies available, FSMNS should be permitted to continue its operations by using frequencies in that portion of the spectrum suitable for international communications, or whether FSMNS should be continued by one of the alternative methods of communications which can be used. In the light of this principal issue, the following findings and conclusions, based upon the record are relevant.

FINDINGS OF FACT

I. FEDERAL-STATE MARKET NEWS SERVICE

8. The Federal-State Market News Service is a Governmental agency operated in California under a formal cooperative agreement between the California State Department of Agriculture and the United States Department of Agriculture for the purpose of gathering and disseminating timely accurate and impartial information on the production, availability, movement, distribution and marketing (particularly as to supply, demand and price) of agricultural products. The information—market news—which FSMNS gathers and disseminates is designed to inform the producer and shipper where agricultural production originates, and of happenings in the receiving markets, whether nearby or far away, with reference to disposing of the supply of agricultural products available and price data. The

market news is also designed to advise the receivers and purchasers at the destination markets of current supply of agricultural products and prices thereof at origin. Market news furnished by FSMNS also includes information with respect to weather, financing, planting, packing, transportation, distribution and kinds and grades of products at both the production source and at the receiving markets.

9. FSMNS operates in two major fields, intrastate and interstate. In the intrastate (California) field market news information is developed in detail by FSMNS specialists in the main producing areas for the several crops or products involved and transmitted to headquarters where the material is screened or analyzed and then disseminated throughout the State in usable form to producers, dealers, retailers, carriers, financial institutions, governmental agencies, processors, and others. Certain selected portions of the information so gathered are turned over to the United States Department of Agriculture for dissemination in interstate outlets. Also, in the interstate field information is gathered by the United States Department of Agriculture or other cooperating agency-specialists and transmitted to FSMNS headquarters where the information is distributed in the same manner as information gathered by FSMNS specialists. The service furnished by FSMNS requires trained, impartial specialists and represents an important governmental function.

10. The principal types of information gathered and disseminated by FSMNS, through nine offices, relate to dairy and poultry products; livestock, meat and wool; hay, grain and feed; fruit and vegetables; and dried fruits, nuts and miscellaneous. In the first such category, FSMNS makes available some 17 daily, monthly seasonal, or annual reports; in the second category some 14 such reports; in the third category some 30 such reports; and in the fourth and fifth categories some 84 reports. The reports cover more than fifty agricultural products. Users of the service include producers, dealers, processors, retailers, hatcheries, cold storage companies, banks, public carriers, publishers, radio stations, cooperatives, restaurants, institutions, trade organizations, equipment manufacturers, professional and educational institutions.

11. Reports of FSMNS are disseminated from State offices by telephone, messenger service, radio broadcasting stations, the press and by mail. Each mode of dissemination serves specific needs and purposes of the user. Telephone and messenger services are the prime means of dissemination in local trade market areas. Messenger service is employed by the trade at Brawley Los Angeles and Salinas to pick up and distribute reports. Press associations similarly employ messenger service at all office locations for securing release in advance of deadlines. In 1952, 60 radio stations located in 38 cities of California and 12 radio stations located in adjoining states regularly carried one or more reports of FSMNS in daily broadcasts. Sixty-three daily newspapers in 50 Cali-

fornia cities having a combined circulation of 3,382,000 regularly were carrying reports in their daily issues as of May 1951. All major press associations carry FSMNS reports pursuant to the requests of their subscribers. Fourteen known trade organizations and general farm publications currently are carrying the reports in original form or using them as basic reference in feature columns. For the fiscal year ending June 30, 1953, approximately seven and one-half million copies of the reports were disseminated by mail.

12. The California agricultural industry which FSMNS serves, produces in commercial quantities practically all types of agricultural products grown anywhere in the United States. It produces in excess of 225 varieties of agricultural products, and is a year-round enterprise. In terms of total cash farm income, California has ranked first among the states in 19 of the past 24 years, including the years 1950-1953, both inclusive. For all crops combined, cash receipts in California in 1952 were 1,673 million dollars and represented 11.9 percent of the comparable United States total. For total crops and livestock combined, cash receipts in California in 1952 were 2,717 million dollars and 8.4 percent of the comparable United States total.

13. California agricultural products are marketed throughout the Nation and also Canada. During 1952, one hundred United States principal markets serving as distribution centers and five principal Canadian markets absorbed 215,199 rail cars out of a total of 283,721 or approximately 75.8 percent of California rail shipments. Many markets are more than 2,000 miles from the point of origin. California, with its rapidly increasing population, is becoming more and more a consumer of farm products from other states even with respect to some products that a few years ago were exported seasonably. Numerous products are exported in certain seasons and imported in other seasons.

14. Producers in the producing areas and distributors in the marketing areas require market information in order to cope with the various problems encountered in the highly complex, integrated and specialized industry and to place the producer on a more equal bargaining basis with the dealer. The producer requires information as to the price his product is bringing in the prospective markets, along with information as to weather, packaging, unloading supply on tracks and in storage, conditions, demand, buyers' comments on quality, volume available locally in competition, activity of local buyers, availability of transportation and comparable factors. The distributor in the market requires information as to price at the sources of supply as well as volume available at sources and the availability of competing products, weather at origin because of its effect on quantity and quality of products and along transportation routes, the volume of produce en route to market by rail or truck, market trends at origin and in competing markets, changes in the area from which

the supply may come, historical data from previous seasons, variation in prices for various kinds and grades of products and other comparable data.

15. The United States Department of Agriculture considers the information originated in California by FSMNS essential to its nation-wide service. Likewise, the United States Department of Agriculture considers it essential that its nation-wide information be disseminated in California. FSMNS is the agency performing such functions. Discontinuance or reduction of the Market News Service in California would seriously weaken USDA's service. In its Order of September 17, 1952, in this proceeding, the Commission recited that it "has a full appreciation and awareness of the importance and the value of the market news service and of the necessity for maintaining it in California." Users of the system, as taxpayers, are interested in the economy of the operations provided by the present radio system.

II. THE FSMNS RADIO COMMUNICATION SYSTEM

16. A primary requisite of FSMNS is a rapid communication system. For this purpose, FSMNS has established a radio communication system, consisting of a network of eight radiotelegraph transmitting and receiving stations located at San Francisco, Los Angeles, Sacramento, Brawley, Fresno, Bakersfield, Santa Maria, and Salinas, and in addition a portable transmitter is available. The network operates from 7:00 a. m. to 4:00 p. m. Pacific Standard Time. Automatic transmitting radioteletype equipment is installed at San Francisco and Los Angeles. All of the stations are equipped to receive radioteletype. San Francisco and Sacramento are the operations and administrative headquarters, respectively. This system primarily performs four functions: the distribution of market news within California which originates outside California via leased wire systems which terminate in San Francisco; the distribution of market news in California which originates in California, the collection of market news in California which is distributed outside California via the United States Department of Agriculture leased wire systems; and the collection of market news in California for distribution within the State of California. The San Francisco office, being the operations headquarters, distributes non-California originated traffic in California and distributes California originated traffic in California. It is also the office which collects most of the California originated market news.

17. The above-described network provides the communication circuit capacity required by FSMNS. Because of the nature of the reports, a large circuit capacity is required to handle the volume of traffic from San Francisco to Los Angeles, and from San Francisco to Brawley, Bakersfield, Fresno, and Sacramento. A smaller circuit capacity is required from San Francisco to Salinas and Santa Maria, as well as the seasonal office at Lodi. A substantial circuit capacity is also required from Los Angeles, it being

a terminal market and also a field area office for gathering market news, to San Francisco. The other stations require circuit capacity to transmit to San Francisco. Traffic volume varies on a seasonal-commodity basis, a day-to-day basis, and an hour-to-hour basis. The busiest season commences in late July, continues to build up through September, and tapers off to some extent in late December and in January. Circuit capacity requirements are also affected by priorities of traffic and deadlines.

18. All of the FSMNS stations are licensed and equipped to transmit and receive on all of the five authorized frequencies (2848, 4555, 5365, 7625 and 7640 kc) although the frequency of 2848 kc is seldom used.³ Thus, subject to the propagation characteristics of the frequencies, the system has available at any one time, five circuits. San Francisco uses two outgoing circuits because of the propagation characteristics of the frequencies and as the traffic requires such use. With these facilities, sufficient circuit capacity is always available for the large volume of traffic from San Francisco, and any station requiring a circuit to San Francisco will have circuits immediately available. This system results in the availability of circuits to the various stations with sufficient capacity and flexibility to move traffic and to meet the various peaks and deadlines that occur without difficulty.

19. The greatest distance between any two stations is between Sacramento and Brawley. This distance is approximately 510 miles. The shortest distance is from San Francisco to Lodi which is 65 miles. The following are some of the pertinent distances:

From—	To—	Distance (miles)
San Francisco.....	Sacramento.....	77
San Francisco.....	Los Angeles.....	349
San Francisco.....	Bakersfield.....	230
San Francisco.....	Lodi.....	65
San Francisco.....	Fresno.....	165
San Francisco.....	Brawley.....	265
San Francisco.....	Salinas.....	85
San Francisco.....	Santa Maria.....	223
Los Angeles.....	Sacramento.....	357
Los Angeles.....	Bakersfield.....	165
Los Angeles.....	Lodi.....	335
Los Angeles.....	Fresno.....	235
Los Angeles.....	Brawley.....	175
Los Angeles.....	Salinas.....	270
Los Angeles.....	Santa Maria.....	149

It may be noted from the above that the distances between points of communication are relatively short, especially when they are compared to the potential distances to which signals at these frequencies are capable of being propagated. For example, as shown by the record, the frequencies of 4555 kc, 5365 kc, 7625 kc, and 7640 kc can be used for communication between Seattle and Anchorage, Alaska, a distance of approximately 1440 miles, between San Francisco and Anchorage, a distance of approximately 2040 miles, and between Seattle and San Francisco, a distance of approximately 685 miles.

20. Article 7 of the Atlantic City Radio Regulations provide in part that "The countries, members of the Union, recog-

nize that among frequencies which have long distance propagation characteristics, those between 5000 and 30,000 kc/s are particularly useful for long distance communications. * * * Such communication is obtained by means of "skywave" or "ionospheric propagation" which is a phenomenon depending upon properties of ionized gaseous layers, centered at various heights above the earth, principally at approximately 62 miles, 125 miles, and 187 miles. These layers affect radio wave propagation in various ways depending upon, among other things, the frequency of the wave, season of year, time of day, the state of ionization of the layers, and the phase of the sunspot cycle. These layers have properties of such a nature that, when a radio wave of an appropriate frequency is propagated at an angle to the earth's surface and impinges upon the ionized layer, the wave is returned to earth at some distant point. The point of return depends upon a number of factors among which are the angle of incidence of the wave at the ionized layer, the state of ionization of the layer, and the frequency of the impinging radio wave. In some instances, again depending upon the frequency, state of ionization of the layers, etc., the radio wave may be attenuated within the layer and completely absorbed or, on the other hand, it may be propagated through the layers to outer space.

21. For a given distance between a transmitter and receiver, there is an upper frequency limit beyond which the ionosphere will not reflect the wave. Waves at frequencies above this limiting value are said to "skip". Frequencies below the limiting frequency (which is called the maximum usable frequency) will be reflected back to earth by the ionosphere. The intensity of the reflected wave will be subject to variations with time since the density of ionization and heights of the layers are changing at random. The intensity of the signal is also a function of the frequency being propagated. Thus, skywave service may be characterized as being subject to wide variations and is difficult to predict.

22. The Central Radio Propagation Laboratories of the National Bureau of Standards publishes material periodically such as charts and tables as practical aids to predicting ionospheric radio wave propagation. This material was used by the Commission witness in determining the possibility of use of the FSMNS frequencies for communication between California and Alaska.

23. In addition to the skywave service hereinabove described, service may also be rendered at these frequencies by means of groundwave propagation, but this type of propagation is an inefficient utilization of these frequencies since the range of service is quite limited. At lower frequencies, however, groundwave signals are used extensively. Groundwave propagation is a radio wave propagated along the surface of the earth. The usable distance of a signal thus propagated depends upon several factors, among which are the rate of attenuation of the signal, noise level (either natural or man-made) and the power radiated. The rate of attenuation depends upon

³ See footnote 5.

several factors including the characteristics of the earth over which the wave is propagated, and the frequency of the radio wave. Service rendered by the groundwave signal in contradistinction to skywave service may be characterized as being relatively constant and can be predicted with a reasonable degree of reliability when the conductivity of the soil, dielectric constant of the soil, etc., are known and when the groundwave signal is not subject to interference from skywave signals.

24. Groundwave propagation is the mode primarily used in providing service in the standard broadcast frequency spectrum and in other services utilizing relatively low frequencies where the attenuation of the groundwave signal is relatively low. In addition, skywave propagation at night is sometimes used in providing standard broadcast service at relatively long distances. However, for the range of frequencies here under consideration, as stated above, the attenuation of the groundwave signal is high and, therefore, the distance to which communications is possible by this mode is limited to relatively short distances. On the other hand, skywave propagation at these frequencies has an extremely important role in communications over relatively long distances, particularly between points where there are no other or readily available means of communication, such as between mobile units (ships, aircraft, etc.) and fixed stations, and between mobile units and other mobile units, etc. International broadcast service is also rendered at these frequencies.

III. NEED OF INTERNATIONALLY FIXED STATIONS FOR HIGH FREQUENCIES NOW BEING USED BY THE FSMNS RADIO NETWORK IN ORDER TO ENABLE THE UNITED STATES TO MEET ITS VARIOUS INTERNATIONAL OBLIGATIONS AT THE EARLIEST POSSIBLE DATE

25. Since 1928, when the FSMNS radio network was first authorized, there have been revolutionary changes both in nature and the amount of use being made of radio communications. New radio services have developed; older services have expanded. It was in view of these changes in the use of the radio spectrum and the problems that they presented that the Atlantic City Radio Conference was held in 1947.

26. In preparing the United States' position for the Atlantic City Radio Conference, it was recognized that it would be necessary to reduce the amount of spectrum space previously allocated by the international table of frequency allocations to the international fixed radio service, despite the expanding needs of that service. This recognition was due to the fact that new radio services, such as the aeronautical mobile service, were developing for which it was necessary to allocate spectrum space. As a result, the United States offered a plan to the Radio Conference which would have somewhat reduced the amount of spectrum space to be allocated for the fixed service. However, the Radio Conference actually allocated less space for the fixed service than the United States had proposed.

27. Moreover, Article 7 of the General Radio Regulations adopted at the Atlantic City Conference provided that the signatory nations, including the United States, would make every possible effort to use the frequencies between 5000 and 30,000 kc for long distance communications, for which they were suited. In addition, Article 7 provided that the signatory nations would, wherever practicable, use other means of communication for short distance communications.

28. The reduction in fixed spectrum space has resulted in a great shortage of frequencies for international fixed use which has made it extremely difficult to bring the fixed service in-band. The problem has been complicated by the fact that the United States has the largest international fixed service in the world, the further fact that the service has been expanding much more rapidly than was anticipated, and the inability of the various countries of the world to agree to specific frequency assignments for individual international fixed stations. The method agreed upon at the Geneva Conference (1951) to meet the problems in this service was one which called for the various nations to bring their out-of-band fixed stations into band one at a time on a voluntary basis. Moreover, as the various countries bring their fixed services into band, it becomes progressively more difficult to find suitable in-band fixed frequencies. These difficulties are illustrated by the fact that from January 1, 1952 until February 8, 1954, 217 requests for non-Government international fixed assignments and 499 requests for U. S. Government international fixed assignments in the 4-8 Mc band could not be granted because of the fact that they would have probably caused interference to existing assignments. A further illustration is the fact that there were at time of the hearing 12 out-of-band international fixed public service frequencies in use between Alaska and the Pacific Northwest and between points in Alaska between 4 and 8 Mc which required replacement in-band frequencies. There now remain 10. At the time of the hearing herein there were still 26 non-Government international fixed assignments in the 4-25 Mc band which were out-of-band. However, since that date these assignments have now been brought in-band.⁴

29. The Atlantic City Table of Frequency Allocations assigned several new frequency bands for use by the maritime mobile and aeronautical mobile services. However, the U. S. has many out-of-band Government international fixed assignments, which are presently operating in the new aeronautical mobile and maritime mobile bands, and these out-of-band fixed assignments are an obstacle to activating these mobile bands. One example of this is the fact that there are 14 U. S. Government fixed assignments, for which no in-band replacement

frequencies have been found, which are in conflict with planned assignments in the aeronautical mobile and maritime mobile bands.

30. One way in which the activation of planned mobile assignments is dependent on the elimination of out-of-band fixed assignments was demonstrated upon the record by the illustration that if the frequency 4555 kc had not been assigned to FSMNS, it would have been possible at the time of the hearing to implement two planned mobile assignments listed in the EARC Agreement. This was due to the chain reaction that results. Thus, if FSMNS had not been operating on 4555 kc, one possible use of that frequency would have been its use by an aeronautical fixed operation in the Pacific area which was then operating on 4742.5 kc. The aeronautical fixed operation on 4742.5 kc was blocking the implementation of an aeronautical mobile assignment on 4745.5 kc which was then and still is operating on 4210 kc. The then existing aeronautical mobile operation on 4210 kc was and still is blocking the implementation of the 4187-4238 kc cargo ship working band which, according to the EARC Agreement, was to be cleared by July 1, 1954. Since the hearing, however the aeronautical fixed station has been removed from the 4742.5 kc frequency.

31. International rights to the use of frequencies depend mainly on the initial date of the activation of a specific frequency for a specific purpose. The sooner that U. S. fixed stations can be moved to in-band frequencies, the greater will be the rights of the United States on those frequencies. Moreover, other nations are also bringing their fixed stations into band as rapidly as possible, and in-band fixed frequencies which the United States could use now for international fixed stations, including the FSMNS frequencies, may not be available at a future date because of intervening use by other countries.

32. Paragraph 157 of the EARC Agreement provides that the Administrative Council of the International Telecommunications Union (ITU) shall consider at its 1955 session whether or not satisfactory progress has been made in carrying out the Geneva Agreement. If it is determined that progress has not been satisfactory, the Council has been directed to consider alternative measures, one of which is the convening of an international radio conference. The plans adopted at Geneva were largely based on U. S. proposals and, at any future international radio conference, the ability of the U. S. to obtain the consent of other countries to agree to new plans favorable or satisfactory to the U. S. would be significantly affected by whether or not we have promptly carried out our obligations under the programs which we have sponsored in the past.

33. In the aeronautical and maritime mobile services, unlike the fixed service, international agreements have been reached on definite frequency plans which include specific dates for the activation of certain specific frequencies and frequency bands. For the U. S. to meet its international obligations to implement

⁴ The findings herein which are in certain respects at variance with the record result from taking official notice of certain actions of the Commission, subsequent to the closing of the record, at the request of FSMNS made during oral argument.

these frequencies by the agreed dates, it is essential that in-band replacement frequencies be found for those out-of-band fixed assignments which are blocking planned mobile frequencies.

34. Information supplied to the Commission by the licensees of U. S. international fixed stations indicates that frequencies in the 6 and 7 Mc bands are used extensively by international fixed stations on the West Coast during the hours that FSMNS radio network operates and within interference range of the FSMNS network. Monitoring information compiled by FCC monitoring stations on the West Coast from January 20 to January 27, 1954, shows that frequencies between 4 and 8 Mc can be and are used during the hours between 7 a. m. and 4 p. m., P. s. t. by international fixed stations in the Pacific area.

35. Propagation data for radio services between Seattle, Washington, and Anchorage, Alaska, between San Francisco, California, and Anchorage, and between Seattle and San Francisco for the hours between 7 a. m. and 4 p. m. indicate that the frequencies 4555, 5365, 7625 and 7640 kc, which are all now used by FSMNS, are all within the maximum usable frequency 100 percent of the time between 7 a. m. and 4 p. m. for radio service between those points. The propagation data also shows that simultaneous operations on 4555, 5365, 7625 and 7640 kc between Seattle and Anchorage and between points in California would be mutually exclusive from an interference standpoint.

36. In the Commission's Table of Frequency Allocations, the frequencies 5365 kc, 7625 kc and 7640 kc are all allocated to the fixed service, while 4555 kc is allocated for use by the fixed and mobile services. While it is not possible to show precisely how these frequencies would be used if they were not being used by FSMNS, it may be possible to use the added spectrum space thus obtained to make room for additional in-band assignments by making minor frequency adjustments of a few kilocycles in existing assignments. The Commission has already used this method successfully in its EARC implementation programs. There is always a need for more spectrum space for new assignments in the continually expanding fixed service.

37. The frequency 2848 kc is allocated by the Commission's Table of Frequency Allocations for use by the fixed and mobile services. There are now only 2 frequencies assigned on the West Coast for inter-ship radiotelephone use in the 2 megacycle band. There have been several requests received by the Commission for additional inter-ship 2 megacycle frequencies which the Commission has been trying to satisfy. While it does not appear that 2848 kc could be used to satisfy that demand, 2846 kc or 2844 kc and possibly 2845 kc could be used for an inter-ship radiotelephone channel on the West Coast during the daytime, if 2848 kc were not active or assigned for other use. Moreover, monitoring data compiled by the Commission reveals that little or no use is made of 2848 kc by

FSMNS, and this is confirmed by the State of California.*

38. The frequency 4555 kc is also in a band allocated for use by the fixed and mobile services. The ocean-going tuna boat fleet operating out of California needs a frequency over 4 Mc for inter-ship radiotelephone use, and this requirement could be satisfied by the frequency 4555 kc if the frequency were not being used by FSMNS.

39. California has suggested that the trans-Atlantic telephone cable now being built will help to relieve the shortage of frequencies for international fixed communications. This cable will provide additional channels for telephone communication between the United States and Great Britain. However, it is clear that since the end of World War II, there has been a great shortage of international telephone circuits, and, despite the efforts of the Commission and the American Telephone and Telegraph Company, it has not been possible to find new frequencies to satisfy the ever-growing demand. This would appear to be the reason that it was decided to build the cable, particularly in view of the fact that it would cost far less to establish radiotelephone circuits across the Atlantic, if they were available, than it will cost to build the cable.

40. There is no basis in the record for finding that the new cable will do more than meet the current unsatisfied demand for trans-Atlantic telephone service, and the anticipated future increase in demand. Insofar as the cable may eliminate the need for some of the radiotelephone frequencies now in use between Great Britain and the United States, these frequencies can be used to satisfy the need for radiotelephone service between Puerto Rico and New York and to South and Central America for which high frequencies cannot be found.

41. Moreover, the target date for completion of the cable is December 1, 1956.⁶ Clearly, the completion of the cable more than one and one-half years from now, will not help to relieve the critical, immediate high frequency requirements of the United States.

42. FSMNS now shares the use of each of the frequencies 4555, 5365, 7625 and 7640 kc with Radio Corporation of America, Aeronautical Radio, Inc., Press Wireless, Inc., and Globe Wireless, Ltd., respectively. California has suggested that these sharing agreements could be continued. In support of this position, California has introduced into the record, letters from the carriers written in response to inquiries from FSMNS which, in general, indicates a willingness to continue the sharing arrangements on a non-interference basis. Additional letters were introduced from various

military representatives which state that the FSMNS operations are not causing interference to military radio operations. Globe Wireless in its letter indicated its willingness to continue to share 7640 kc on a non-interference basis; Radio Corporation of America has no objections to the temporary use of 4555 kc on a shared basis, with the proviso that no interference is caused to its operations; and Aeronautical Radio, Inc., indicated its intention to release 5365 kc in the near future,⁷ but stated that it would not agree to any shared use of the new EARC aeronautical mobile bands with a fixed service operation. Press Wireless also indicated its willingness to share the frequency of 7625 kc on a basis of non-interference. However, the record shows that Press Wireless on January 15, 1954, notified FSMNS that it required the frequency from 7 a. m. to 9 a. m. Confirmation of this clearance was made on January 20, 1954, by FSMNS. The use of this frequency by Press Wireless until 9 a. m. does not affect the FSMNS service since the condition of the 11-year sunspot cycle extends the period in the morning during which the frequency of 5365 kc can be used satisfactorily by FSMNS for long-distance transmission. The record further shows that Press Wireless foresees the need for the use of this frequency during the period from 7 a. m. to 12 noon. As stated above, FSMNS operates its networks from 7 a. m. to 4 p. m.

43. There is one fundamental reason why the sharing arrangements are not an acceptable alternative to removing the FSMNS operations from these frequencies. If FSMNS does continue to operate on these frequencies, it will preclude their full use for international fixed operations, and the necessity for such full use for international operations has been previously demonstrated. Moreover, as previously indicated, the United States now has international recognition and rights to protection on these frequencies, during the daylight hours, only to the extent of the FSMNS operations, and, therefore, continued FSMNS use of the frequencies could result in another country making use of the frequency and thereby preventing the United States from using the frequencies for international operations at some future date.

44. California has also suggested that there were several frequencies assigned for use by international fixed stations on the East Coast which might be shared by the FSMNS as possible substitutes for its existing frequencies. In view of the fact that West Coast monitoring stations of the Commission have been able to record transmissions of international fixed stations transmitting out of the New York, Miami, and New Orleans areas on frequencies between 5-8 Mc from 1 to 4 p. m. P. s. t., and the further fact that international fixed stations located on the East Coast also transmit traffic to the West Coast to be transmitted to the Far East, a definite pos-

* State of California at the oral argument stated that it is now utilizing 2848 kc to communicate between San Francisco, Stockton, and Sacramento, its portable transmitter being located at Stockton. However, it further stated that it does not maintain that 2848 kc is not needed by others.

⁶ Paragraph 4 of the trans-Atlantic cable contract sent to the Commission on December 22, 1953.

⁷ Records of the Commission show that 5365 kc is no longer authorized for use by Aeronautical Radio, Inc.

sibility of mutual interference exists in the shared use of such frequencies by East Coast international fixed stations and the FSMNS. In order to determine whether a particular frequency used by an international fixed station on the East or Gulf Coasts for transmissions to Europe, Central or South America, could be shared by FSMNS, it would be necessary to make a detailed frequency study and to evaluate the relative strengths of desired and undesired signals. California, however, has merely suggested frequencies which it found in the Commission's records. California has not made the necessary studies with respect to any of the frequencies being used by international fixed stations on the East or Gulf Coasts, nor has the State monitored the frequencies in question to determine whether they are being used for any Government or non-Government assignments in addition to the East Coast international fixed stations listed in the Commission's records.

45. Moreover, the Commission, for a number of years, has been extensively monitoring frequencies and making frequency studies in the 4-8 Mc band in order to locate any "holes" in the spectrum which could be used for the fixed and other services. To the extent that monitoring and frequency studies have indicated the possibility of sharing frequencies, the Commission has attempted to use the frequencies accordingly. While it is not contended that the Commission has necessarily found all the frequencies that can possibly be shared, the likelihood that any of the frequencies suggested by California could be used by the FSMNS network, must be regarded as remote. In any event, if any of these frequencies could be shared by FSMNS in California, they probably could also be used as replacements for out-of-band fixed operations between Alaska and the Pacific Northwest.

IV. EFFICIENCY AND ECONOMY OF THE COMMUNICATIONS SERVICE, WITHOUT USE OF HIGH FREQUENCIES, (PRESENTLY RENDERED BY THE FSMNS RADIO NETWORK), PROVIDED BY STATE OF CALIFORNIA.

46. The head of the California Department of Agriculture and the supervisor of the FSMNS radio network testified that they have been familiar with the provisions of the Atlantic City radio regulations with respect to the allocation of spectrum space, including the fact that domestic fixed operations, such as the FSMNS radio network, might be affected. The FSMNS network supervisor further stated that he has been aware that the network has been liable to the loss of its frequencies, but that no indication was ever given as to what specific time table might be involved, and that the Commission had never "pin-pointed" the frequency problem with respect to the FSMNS network. Both in its Further Comments filed by California in these proceedings and in the testimony of the network supervisor, it was admitted that California could not expect to hold the FSMNS frequencies indefinitely and that the State was making plans to move FSMNS operations to microwave facilities.

47. It is evident, moreover, that since the time of the Atlantic City Radio Conference in 1947, the Commission has specifically advised FSMNS on numerous occasions that it might be necessary for the network to give up the high frequencies it was using, and either shift operations to frequencies above 25 megacycles or to other means of communications. Thus, on October 17, 1947, the Commission wrote to the network acknowledging receipt of its application for a construction permit to add a new station at Bakersfield, California, in which it warned the State about the problems concerning the continued use for domestic purposes of frequencies allocated for international operations. On April 8, 1948, the Commission issued a Public Notice in connection with the grant of construction permits for two new stations for the FSMNS network, in which it again called attention to the fact that it might be necessary in the future for the network to give up the use of high frequencies for its operations. In connection with the grant of the same applications, the Commission, on April 12, 1948, wrote a letter directly to the network which specifically pointed out that it might be necessary for the network to abandon the use of high frequencies. Moreover, Albert L. McIntosh, Assistant Chief Engineer of the Commission, testified at the hearing that at conferences held in Washington in 1948 and 1949, he discussed with representatives of the State of California, the State's plans to relinquish the high frequencies being used by the FSMNS network.

48. On April 19, 1950, Mr. E. A. Hosmer, a communication engineer employed by the State of California, wrote to John A. Willoughby, Assistant Chief Engineer of the Commission, requesting that Mr. Willoughby advise him, among other things, concerning the outlook for retention by the FSMNS network of its high frequencies. Mr. Hosmer's letter indicated that he had been previously advised by the Commission that the outlook for keeping the high frequencies was not good.³ By letter of May 31, 1950, Mr. Willoughby advised Mr. Hosmer that, in view of the problems the United States was encountering in trying to implement the Atlantic City Table of Frequency Allocations, the outlook for the continued use by the FSMNS network of high frequencies had grown worse.

49. The plan to modernize the FSMNS radio network by replacing manually operated equipment with automatic radiotelegraph equipment was developed in 1950. This was after California had been put on specific notice, as indicated above, that it might lose the FSMNS frequencies and have to shift to wire or

microwave operations. Moreover, the correspondence mentioned above between E. A. Hosmer, California's radio consultant, and John A. Willoughby, Assistant Chief Engineer of the Commission, specifically concerned the question of the advisability of California modernizing the FSMNS radio network. In response to Mr. Hosmer's inquiry respecting modernization, Mr. Willoughby, on August 16, 1949, and again on May 31, 1950, definitely advised against spending funds to modernize the network in view of the increased likelihood that California would have to give up the FSMNS frequencies. Nevertheless, Mr. Hosmer recommended to California in 1950 that the radio network be modernized, but in so doing, he pointed out the frequency problem, and gave his opinion that California might possibly be able to use the frequencies for another five years.

50. It was in face of these facts that California undertook the modernization program. The Commission did, on January 31, 1951, grant to California authority to modernize its stations at San Francisco and Los Angeles. However, except for Mr. Hosmer's inquiry, California did not ask the Commission to approve a modernization program, as such, or if it would be advisable to spend the funds for that purpose, and the Commission has never indicated to California that such a modernization program would be advisable. The applications to modernize the San Francisco and Los Angeles stations were submitted to the Commission in a routine manner. They did not indicate how much the modernization of these stations would cost or even that the two applications were part of a program to modernize the entire FSMNS radio network.⁴ In view of these facts, the Commission not only did not give its approval concerning the advisability of the modernization program, but, on two occasions when the question of the advisability of that program was presented to the Commission, California was specifically advised against such an undertaking.

51. Moreover, the proceedings in this docket were instituted by a notice of proposed rule making issued on May 23, 1952, which proposed to delete from the Commission's Rules the authority for continued use of high frequencies by the FSMNS radio network. Despite the fact that these proceedings were begun over a month prior to the start of the fiscal year 1952-53, the record reveals that during that fiscal year, California spent \$16,030.90 for additional communications equipment for the FSMNS radio network as part of the modernization program.

52. The modernization program for the FSMNS radio network has not been completed. Approximately \$18,000 of the money appropriated for the modernization has not been spent and will not have to be spent if FSMNS switches to

³ The license files of FSMNS show that Mr. Hosmer wrote to Mr. Willoughby on July 20, 1949 requesting his views in regard to the possibility for the continued use of these frequencies by FSMNS. A reply to this request was made by Mr. Willoughby on August 16, 1949 in which he advised, among other things, that "it is becoming more and more difficult to justify domestic point-to-point radio operations on the frequencies below 25 mc, particularly where wire line circuits are available."

⁴ It should be noted that it was not necessary for California to receive authorization from the Commission to install the automatic radiotelegraph receiving equipment at all of its stations, and the Commission was not even informed this was being done.

leased wire facilities. Moreover, FSMNS has already benefited from the use of the modern equipment. Furthermore, if California leases wire facilities from Pacific, the telephone company will purchase all of the FSMNS radio equipment, including the radioteletype equipment, which is comparatively new and would have a good market value.

53. California has considered the possibility of constructing and operating a microwave radio system solely for the use of FSMNS. This possibility has been rejected, however, as not being economically feasible.

54. California is also considering the construction and operation of a State-owned microwave system for the combined use of FSMNS and various other State agencies, which would also carry administrative communications traffic of the State. The general plans for such a network were outlined in the State's petition, dated February 16, 1953, which requested the Commission to amend its rules so as to permit a State to become the licensee of such an integrated microwave network. The request of the State to amend the Rules has been incorporated in a notice of proposed rule making which the Commission released on November 30, 1953, in Docket No. 10777.

55. The question of the feasibility of operating such a State-owned microwave network is now under study by the Division of Communications of the State Department of Finance, pursuant to Concurrent Resolution No. 16 of the California State Senate. The records show that it was expected that a report on the study would be made to the 1955 session of the legislature, but the report may not have been completed by then. At the hearing California was unable even to estimate how long after a report was made to the legislature (presuming it to be favorable) money would be available to construct a microwave system. However, in its further comments in this proceeding, dated February 16, 1953, California estimated that it would take approximately two to two and one-half years from that date before the State would know whether or not it would be in a position to undertake the construction of the proposed microwave system. It was also stated in those further comments that the construction of the microwave system would probably require an additional two to two and one-half years after the system was approved.

56. It is apparent, therefore, that under the most favorable conditions the FSMNS radio network will not be able to move its operations to a microwave system for another two and one-half to three years. The question of permitting FSMNS to continue radio operations on high frequencies until it is able to move to microwave operation must be considered in light of this time factor, and the immediate need for the high frequencies.

57. The speed, accuracy and dependability of wire circuits leased from common carriers have been fully demonstrated. California is only one of 38 states which form part of the national

market news service which has been operated cooperatively by the U. S. Department of Agriculture, and the participating states for over 40 years. In all the 37 other states which comprise the national network, and for all of the more than 19,000 miles covered, the market news service has always been, and is, conducted solely by means of simplex wire circuits leased from common carriers. Moreover, California is vitally dependent on the national wire network for market news, and the rest of the country is likewise dependent on the national wire network to receive market news from California, since very large quantities of California crops are marketed throughout the country, and California is an important consumer of crops produced in many other states. All of the market news which is transmitted into California, and all such news sent out of the State is transmitted by the U. S. Department of Agriculture's leased lines. The U. S. D. A. has one leased line that comes from Kansas City to San Francisco, and another line which runs from Seattle to Los Angeles. Moreover, 75 percent of the traffic transmitted by the FSMNS station in San Francisco is received from the U. S. D. A. wire line. Stations in South San Francisco and Stockton, California (which are not part of the FSMNS radio network) presently receive livestock news directly from the U. S. D. A. wire lines and not from the FSMNS radio network. The U. S. D. A. considers that the leased wire service used by the market news service throughout the country has been satisfactory. The national market news network of the U. S. D. A. is similar to the network which Pacific would provide for FSMNS, and the equipment recommended for FSMNS is similar to that used by the U. S. D. A. network.

58. Pacific also furnishes leased teletypewriter wire service to the Western Meat Packers Association for the dissemination of market news to 45 stations in 4 Western States. The requirements and operations of the Meat Packers network are similar to those of FSMNS. Western Union also furnishes teletypewriter service to many customers whose requirements are similar to those of FSMNS. Among those using this leased wire service are the United States Air Force, the nation-wide stock exchange quotation service, the Civil Aeronautics Administration, and the United Air Line networks. California also operates an extensive wire network leased from a common carrier which is used by the State Department of Justice. The service which the State has received from communications common carriers has been satisfactory.

59. As indicated above, San Francisco is the nerve center of the FSMNS radio network. Marketing information is received there via the U. S. D. A. leased wire lines, from all parts of the country and transmitted to the other stations on the network. Moreover, market information originating in California is collected in San Francisco and transmitted to the other network stations as well as to other parts of the country via the

U. S. D. A. wire line. Approximately two-thirds of the messages filed for transmission over the network are transmitted by the San Francisco station.

60. A considerable portion of the traffic transmitted by San Francisco is intended for all of the stations on the network. Because of the propagation characteristics of the frequencies FSMNS has available, messages transmitted by San Francisco intended for the entire network must be sent over at least two different frequencies. The only frequency, which is available on a regular basis, to transmit messages from San Francisco over long distances, e. g. to Los Angeles and beyond, is 7640 kc. As a result, approximately 40 percent of the words filed for transmission at San Francisco are transmitted more than once. Some additional duplication of messages also results from the fact that messages may have to be relayed in order to reach their intended destination. It is also sometimes necessary, because of propagation conditions, to send the same message twice on the same frequency in order to reach more than one station.

61. The frequencies 5365 kc and 7640 kc are regularly used for transmissions from San Francisco; 7625 kc is used to transmit news from Los Angeles to San Francisco; 4555 kc is used by the other stations at Santa Maria, Bakersfield, Salinas, Sacramento, and Fresno, to transmit to San Francisco and to communicate among themselves; 2848 kc is used little or not at all by the network.¹² None of these frequencies licensed for use by the FSMNS is used to capacity by the network. San Francisco and Los Angeles are now equipped with automatic radioteletype equipment which transmits 60 words per minute. All of the other stations transmit by means of manually operated radioteletypegraph at approximately 40-45 words per minute, although California has applied to the Commission for authority to install the automatic transmitting equipment at all of its stations.

62. The State of California has made no surveys or studies of the volume or flow of traffic by stations or by frequencies upon which findings can be based as to whether all of the circuit capacity which the FSMNS now has is necessary, or on which findings can be based concerning the number or type of leased wire circuits which would be necessary to meet the essential communications requirements of the FSMNS. California admits that such studies are necessary in order to determine the communication needs of FSMNS. However, Pacific, at the request of and with the cooperation of California, conducted a survey of the operation of the FSMNS radio network in June 1953 in order to determine what leased wire facilities would be necessary to meet the FSMNS communications requirements. The study was based on visits to FSMNS stations and on an analysis of all of the messages filed for transmission over the network during a typical week (agreed

¹² See footnote 5.

to by California)¹¹ and of their points of origin. Pacific also determined the amount of traffic transmitted over the network during the busiest hour of the busiest day during the typical week studied. From all the facts developed concerning this survey, it is clear that the survey was a thorough and expert job, and that the conclusions and recommendations which resulted can be relied upon.

63. Based upon this survey, Pacific submitted to California in July 1953, a report recommending that two 60-speed teletypewriter wire circuits would adequately meet the communications requirements of FSMNS.

64. California agrees that two wire circuits would satisfy the communications needs of FSMNS, and there is nothing in the record to dispute that fact, particularly in view of the fact that FSMNS has not made study of the volume or flow of traffic on the network as a whole or by frequencies or stations. California admits that two simplex teletype circuits operating at 75 words per minute would provide about as much circuit capacity as the radio network now has. Moreover, Pacific is prepared, on short notice, to add entire new circuits or new stations, to increase the capacity of the circuits by use of 75-speed teletypewriters, or to reduce the service being rendered, either on a regular or seasonal basis and to any extent desired.

65. One of the two teletypewriter circuits which would be supplied to FSMNS would be used exclusively for transmitting news from San Francisco to the other stations on the network. The second circuit would be equipped to provide transmission and reception facilities among all the network stations. The circuits would be equipped with 60 words per minute or, if desired, with 75 words per minute automatic teletypewriter service. This service could be supplied to FSMNS on 30 days' notice. Western Union is also prepared to provide equivalent teletypewriter wire service to FSMNS on a leased basis. In addition, switching arrangements could be provided to connect the network to the United States Department of Agriculture circuit which comes into San Francisco. With such an arrangement, the Pacific network circuits would be changed to operate 75 words per minute so as to match the U. S. D. A. circuit which operates at 75 words per minute.

66. If the wire circuits were installed, the necessity for extensive duplicate transmission of messages or relaying of messages would be eliminated, since all stations would automatically receive all messages transmitted simultaneously. However, if desired, selector equipment could be installed by the common carrier on one or both circuits which would enable the transmitting station to select in each instance whether to transmit to all other stations or only to one station or any combination of stations. Moreover, if leased wire service were used,

¹¹ California made allegations at the hearing that this was not a typical peak week of the year but offered no figures as to what the traffic volume or flow would be during any such peak period.

the common carrier would do all of the maintenance work on the network, and, in case of any breakdown in one of the wire circuits, the carrier could make alternate circuits available, so that dependable service would be insured.

67. The one wire circuit which would be available, in addition to the one used only for transmissions from San Francisco, would adequately serve the requirements for handling traffic to San Francisco and among the other stations on the network. This is shown by the amount of traffic transmitted by the other stations and the figures with respect to peak hour traffic which were compiled. As an example, very little traffic is ever transmitted from Salinas or Santa Maria. Moreover, the Brawley station is closed entirely for about 4 months of the year. Further, if necessary, a specific time schedule for the various stations to transmit messages could be arranged, similar to the schedules used successfully for that purpose to handle the great volume of traffic over the U. S. D. A. wirelines.

68. Based on California's own figures, the maximum additional cost to the State of shifting FSMNS communications from the existing radio network to a wire network consisting of two 75 word per minute teletype wire circuits would be \$32,000 per year.¹² The following additional factors must, however, be taken into consideration in order to arrive at a realistic comparative cost figure for the radio network and wire facilities.

69. In the first place, the wire circuits which form the basis for this figure would constitute an extension of the existing FSMNS communications system, in view of the fact that it would add to the existing network a new station located at Lodi, California. Moreover, California stated that the operating expenses of the radio network, excluding items which would be common to both the radio network and the wire service, were approximately \$7,500 for the 1952-53 fiscal year. Included in that operating expense figure was an item of \$5.72 for radioteletype maintenance of the radio network. However, FSMNS now has a contract to pay a common carrier \$1,800 a year for radioteletype maintenance,¹³ which amount would be saved by California if FSMNS switched to wire services, since the carrier would be responsible for maintenance of the leased facilities.

¹² It should be pointed out that California's maximum additional cost figure is based upon the presumption that it would have to pay approximately \$35,000 for leased wire facilities. That figure is based upon estimates submitted to California by Pacific Telephone and Telegraph Company in November 1952. The estimate submitted by Western Union to California for the same leased facilities was less. Moreover, after completing its survey of the FSMNS network, Pacific recommended that FSMNS use specified leased wire facilities which Pacific has offered to provide at an annual cost of \$30,946.80.

¹³ This increase is apparently due to the fact that the San Francisco and Los Angeles stations are now equipped with automatic transmitting radioteletype equipment, and all of the stations now have radioteletype receiving equipment.

70. California's comparative cost figures did not take into account possible savings in funds spent for personnel. The network now has 11 employees, 1 radio engineer who supervises the network, 4 Class II radio operators, including the assistant supervisor of the network and 6 Class I radio operators. Each of these employees is now required to have a radio operator's license issued by the FCC to operate radio equipment and to perform maintenance work on the radio equipment. The network supervisor and his assistant help to maintain, repair and construct the network's radio equipment.

71. The evidence with respect to the personnel required to operate the leased wire network is conflicting. Pacific contends the wire network can be operated by a total of nine teletype operators, two at San Francisco and one at each other station. California maintains that the wire network would require the same number of employees as are now employed, but the radio engineer in charge of the FSMNS network testified at one point that there would be need for one less employee, the assistant system supervisor, if wire service were used. California does have Civil Service classifications for teletype system supervisor, Class II supervising teletype operator, Class I supervising teletype operator and teletype operator. The salary ranges of the various teletype operators are all appreciably lower than the salary ranges of the radio operators. It is admitted that the teletype operators do not require the same qualifications as radio operators, and that the positions of the FSMNS employees would have to be reclassified and the positions approved if the network shifted to wire service. No request has yet been made by FSMNS to the State classifying board to determine what the reclassifications would be. Pacific has calculated that California would save \$27,524 per year in salaries for FSMNS personnel if the system shifted to leased wire service, and explained how this saving could be accomplished. Without accepting Pacific's calculations, there is ample evidence to support a finding that substantial savings could be realized by the State in the funds paid for FSMNS personnel if wire service were used.

72. To the extent that California could pay less for FSMNS personnel if wire service were used, the State would have to contribute proportionately less to the State Employees Pension Fund. Pacific calculated that the savings to California in contributions to the Pension Fund would be \$1,982 per year. Again, without accepting Pacific's calculations, it is clear that the State would realize savings in the amount that it would be required to contribute to the pension fund.

73. Since the fiscal year 1950-51, almost \$80,000 has been budgeted by the State for replacement and additions to the FSMNS radio equipment. No part of this expenditure has been included by California in computing the cost of the radio network and in arriving at the comparative cost figures. Approximately \$30,000 of this money was appropriated for the 1953-54 fiscal year, and almost

all of it will not have been spent, leaving a total of approximately \$50,000 actually expended by the State for communications additions and replacements from July 1, 1950, until July 1, 1954. In view of the fact that this money was spent over this period for the purpose of modernizing the radio network, the amounts spent annually during these years are probably not representative of the average annual expenditure for equipment for the radio network. Therefore, on a conservative basis, this expenditure of approximately \$50,000 should be spread over a period of 20 years, which results in adding approximately \$2,500 a year to the amount which the FSMNS radio network costs California to maintain the radio network.

74. California has approximately \$70,000 invested in radio equipment used by the FSMNS radio network. This investment would not be necessary were the network using leased wire service. Therefore, on an accounting basis, this \$70,000 would bring the State \$1,400 a year in interest,¹⁴ figuring at a conservative rate of 2 percent a year.¹⁵

75. In view of the fact that the Brawley station is closed for one-fourth of the year, the amount included for the Brawley station in computing the amount which California would have to pay for leased wire service should be reduced by one-fourth.

76. The figure of approximately \$39,800 which California stated would be the total yearly cost for leased wire service included \$4,800 which it was alleged would be the cost for paper under a leased wire service. It is clear that this figure is excessive. California admits that this figure was based on the erroneous assumption that selector equipment could not be used on the leased wire circuits, and that all stations on the wire network would therefore automatically have to copy all messages transmitted. The California witness was unable, however, to estimate what the adjusted figure for additional paper costs for wire service would be.

77. If selector equipment were installed for the wire circuit used only for transmission from San Francisco, it would add \$864 per year to the cost of wire service. It would cost \$1,152 per year to add selector equipment to the second leased wire circuit. However, because of the comparatively small volume of traffic that would probably be carried on in the second circuit, it is doubtful whether it would be worthwhile to employ selector equipment on that circuit.

78. Pacific also suggested another means of operating a leased wire service which would effect a saving to the State. If this suggestion were followed, the two FSMNS teletypewriter circuits

would be connected to the U. S. D. A. wire lines by a switching arrangement. Because lower interstate rates would then apply, Pacific could furnish two 75 word per minute teletypewriter circuits for FSMNS use for \$27,062.64 per year.

79. No attempt has been made, on the basis of the above facts, to calculate the exact amount per year that it would cost California to shift the operations of the FSMNS radio network to leased wire service. Pacific has submitted a detailed analysis of the cost to California of owning, maintaining and operating a radiotelegraph network as compared to the cost of operating with leased wire facilities. This detailed analysis by Pacific concluded that the State would, in fact, actually save \$10,220 per year if it used leased wire facilities instead of the radio network. Admittedly, some of the figures used by Pacific are speculative and some are in dispute, and therefore the Commission cannot find that California could actually save \$10,220 per year, as calculated by Pacific. However, the facts do justify a finding that the additional cost to California of using leased wire facilities in lieu of the radio network would be at least \$10,000 less than the \$32,000 estimated by California.

80. In fiscal year 1953-54, the California legislature appropriated approximately \$100,000 for the operation of the FSMNS radio network. This appropriation represented a significant increase over the amount appropriated for the radio network in the previous fiscal year. Moreover, for the fiscal year 1953-54 the State appropriated \$449,769 for all market news work in California.¹⁶ Since the fiscal year 1925-26, when California spent \$10,000 for market news work in the State, the amount of money expended by the State for this work has increased in almost every fiscal year, and the 1953-54 appropriation amounted to an increase of over \$50,000 in the amount which had been spent for market news work in the previous fiscal year. In addition, the U. S. O. A. also appropriated \$341,705 during the fiscal year 1953-54 for market news work in the State of California and the amount of money expended by the U. S. D. A. for this work in California has shown an annual increase since the fiscal year 1940-41, when the amount of money expended was \$59,409.

81. The State of California now spends about one million dollars a year for communications. Moreover, the State leases from a common carrier a wire network used by the State Department of Justice which costs \$250,000 a year.

82. The California State Legislature holds a session every year. In the odd-numbered years, there is a general session of the legislature which commences on the first Monday in January, recesses for a four-week period either in January or February and is permitted under the Constitution to remain in session for a period of 120 days. The Department of Agriculture submits its budget estimates to the State Department of Finance in September or October preceding the next

fiscal year. These estimates can be amended up until the time that the Governor's budget is printed shortly before the legislature convenes. Moreover, the State legislature has authority to amend the Governor's budget by adding funds. In the normal course of events here, the first fiscal year for which the California State Legislature could appropriate funds in the regular manner to secure leased wire service for FSMNS would be for the forthcoming one of 1955-1956. Whether FSMNS has presented its needs in the regular manner for additional funds to the State Legislature this year and whether such funds have been appropriated is not known. Nevertheless FSMNS has now been on notice for a number of years (three years since the initiation of this proceeding) of the high probability that it would be required to switch its radio network operation to leased wire operation, and thus it has had sufficient time to plan a program to meet that eventuality.

83. If for some reason FSMNS has not requested the appropriation of additional funds, it appears nevertheless that funds would be available to it to convert its operations to leased wire service during the forthcoming fiscal year. As hereinabove indicated, the State legislature has appropriated over the years funds to operate the FSMNS network with annual increases each year. The State legislature also appropriates annually an emergency or contingency fund. For the fiscal years 1953-54, this sum was \$1,150,000 and for 1954-55 it was \$1,614,858. The State Department of Agriculture has in the past obtained as much as \$250,000 in one fiscal year from the Emergency Fund. The Attorney General has expressed the opinion that if FSMNS is required to convert to wire service before the legislature has an opportunity to appropriate funds, it would constitute an emergency within the meaning of the emergency fund appropriation.

84. The Attorney General's opinion also indicates that funds appropriated to the State Department of Agriculture or the Federal-State Market News Service for salaries, printing, transportation, equipment and similar items could be used for those purposes irrespective of whether FSMNS is operating a radio system or a wire line system. Any savings out of those funds could also be used for wire line operations. In addition, funds, if any, which may have been appropriated by the State legislature for modernization program of the FSMNS radio network could be made available for expenditure on a wire line system. FSMNS also in its proposed findings of fact draws attention to section 1, article IV of the Constitution whereby under certain conditions additional appropriations could be made available sometime before July 1, 1956, but after March 1956 by the State legislature, convening in March 1956.

85. The opinions of the Attorney General hereinabove expressed were made by him in the light of the provisions of the Budget Act of 1954 containing the appropriations for the fiscal year July 1, 1954, to June 30, 1955, and also in light of the question of whether the

¹⁴ Pacific telephone figured \$2,000 per year, based on a capital investment in radio equipment of \$100,000, but California's figure of \$70,000 invested in radio equipment has been used.

¹⁵ If the State had a surplus of funds, the \$70,000 would be invested by the State. If, on the other hand, the State were operating at a deficit, it would have to borrow less money.

¹⁶ The FSMNS radio network constitutes only one part of market news service operations in California.

funds referred to could be made available as an emergency measure for the leasing of wire lines without further action by the Legislature in the event that FSMNS were required to shift its radio network operations to leased wire operations prior to a time when the Legislature would again be in session.

86. California concedes that ultimately it will have to give up high frequencies now being used for FSMNS operations. However, California has proposed that pending a determination of the question of whether the FSMNS operations can be conducted by means of a State-owned microwave system, FSMNS should be permitted to continue its use of high frequencies on an interim basis. If it is ultimately determined that a microwave system would be feasible, California states that it would then move the FSMNS operations to leased wire facilities.

87. It has already been demonstrated that the public interest requires FSMNS to give up the use of high frequencies now, and it has been further shown that leased wire facilities are a feasible substitute for the present FSMNS radio operations. It is clear, moreover, even if FSMNS is required to use leased wire services on an interim basis, such an interim operation will not obviate or prejudice the possibility that the FSMNS operations might be conducted by means of a State-owned microwave system.

88. Adequate wire facilities can be made available by Pacific for FSMNS use on 30 days' notice. If FSMNS does shift to leased wire operations, even on an interim basis, California will not be required to make any capital expenditures, since the equipment required for leased wire operations would be provided by the common carrier.

89. In this connection, it should be pointed out that FSMNS' automatic radiotelegraph equipment could be used in an operation of any microwave network that the State might build. If FSMNS is shifted to leased wire service, the State would have a choice of keeping this equipment until a final determination is made concerning the microwave network, or of selling this modern equipment to Pacific immediately, along with the rest of the FSMNS radio equipment.

90. Therefore, even if the FSMNS operations should ultimately be shifted to a microwave system, the only possible detriment to California having to use leased wire facilities in the interim period would be the comparatively small additional cost of operating by means of leased wire service rather than the existing radio network.

V. CIVIL DEFENSE IS NOT A VALID REASON FOR FSMNS RETENTION OF THE USE OF HIGH FREQUENCIES

91. California has argued, in effect, that it should be permitted to continue operations on high frequencies because the existing radio network is part of the State's civil defense communications plan. However, the FSMNS radio stations are not now, nor have they ever been licensed by the Commission to operate for civil defense purposes. The Commission has never indicated that it

would license those stations to operate for civil defense purpose.

92. Moreover, the frequencies which the FSMNS radio stations use are not now, nor have they ever been allocated by the Commission for civil defense use. The Commission has never indicated that it would allocate these frequencies for civil defense use, and this is admitted by California.

93. On the contrary, the Commission has authorized the use of other stations for civil defense purposes and has designated other frequencies for civil defense purposes. Moreover, it has specifically pointed out to California that no approval has been given for the use of the FSMNS stations or frequencies for civil defense purposes.

94. The Commission has established the Radio Amateur Emergency Service (RACES) and has set forth regulations in Part 12 of its Rules to govern its operations. The frequencies designated in Part 12 are for use by RACES for civil defense purposes, and these frequencies do not include those being used by the FSMNS radio network. Moreover, in Part 20 of its Rules the Commission has established the Disaster Communications Service, and has designated frequencies to be used by that service. The frequencies designated may be used for civil defense purposes. They do not, however, include the FSMNS frequencies.

95. California has submitted to the Commission, on various occasions, its Civil Defense Communications Plan. This is a comprehensive plan which contemplates the use of many communications services, including the FSMNS radio network, for civil defense purposes. However, the Commission has not requested the submission of civil defense communications plans, except in connection with the RACES and disaster services, and California's plan, while it includes many radio services, was admittedly filed pursuant to notices issued by the Commission concerning the submission of communication plans in connection with Parts 12 and 20 of the Commission's Rules.

96. The Commission has accepted the California Civil Defense Communications Plan, insofar as it applies to the Disaster and RACES services. Moreover, California has been granted licenses to operate stations in those two services. In accepting the Plan for those purposes provided for in the Commission's Rules, the Commission expressly notified California in writing that such acceptance did not include acceptance of those details of the plan which concerned stations not designated by the Commission's Rules, and specifically mentioned that it was not accepting that portion of the Plan that related to the FSMNS radio network. California actually has stations licensed to operate under RACES and in the Disaster Communications Service. Moreover, California has submitted applications to the Commission for authority to use the FSMNS network for civil defense purposes, but these applications have never been granted.

97. In connection with civil defense, consideration must also be given to the

Control of Electromagnetic Radiation (CONELRAD) program. No determination has yet been reached under the CONELRAD program whether the FSMNS stations or any stations using the FSMNS frequencies will be permitted to operate during the period of a radio alert involving the national defense.

98. If FSMNS switches to leased wire service, the wire circuits could be readily integrated into a civil defense communications network.

CONCLUSIONS

1. The Federal State Market News Service has been authorized since 1928 by this Commission and its predecessor, the Federal Radio Commission, to use certain frequencies (the frequencies now authorized being 2848 kc, 4555 kc 5365, 7625, and 7640 kc) in its service of gathering and disseminating timely, accurate and impartial information on the production, availability, movement, distribution and marketing of agricultural products. The record establishes, and the Commission is fully aware of, the highly important function that FSMNS performs with its radio network for the California agricultural producers, for distributors of agricultural products in California and for the U. S. D. A. FSMNS has rendered this service now for over two and one-half decades, and has continuously expanded it during this period of time.

2. Since FSMNS was first authorized to use the frequencies now involved in this proceeding, there have been revolutionary changes both in the nature and the extent of the use being made of radio communications. New radio services have been developed; older services have expanded. Greater knowledge or radio wave propagation has been accumulated so that the radio frequency spectrum can now be utilized more fully and more efficiently. The urgent needs for radio communication in certain types of services have come to the fore, outweighing in some instances the needs for existing radio communication service in other types of services, particularly where other means of communications are available to such other services.

3. The frequencies which are licensed to FSMNS are particularly useful for radio communication over relatively long distances because of the phenomenon of ionospheric propagation. Through the use of these frequencies, communication by radio is directly established to all points of the world over paths where no other means of communication are available (e. g., ocean paths, paths over countries which may be hostile to this country, etc.) Because of these long-range characteristics, these frequencies have been allocated to those services which can most efficiently use them and which have the greatest need for them.

4. It was to make such proper allocation and effectuate the necessary changes in the use of the radio spectrum that the Atlantic City Radio Conference was held in 1947. Article 7 of the General Radio Regulations adopted at this Conference provides that the signatory nations, including the United States, will

make every possible effort to use frequencies between 5000 and 30,000 kc for long distance communications, for which they are suited. In addition, Article 7 provides that the signatory nations will, wherever practicable, use other means of communication for short distance communications.

5. As a result of the Conference, many existing stations were out-of-band and had to be brought in-band. In connection with the implementation of the frequency allocations provided by the Atlantic City Conference, a time factor is involved: For if out-of-band operations are not brought in-band expeditiously, or if the frequency allocation is not effectuated expeditiously, there is the strong possibility that other countries may notify us of frequency assignments which might then block the use of these and certain other frequencies by this country.

6. Thus, the most significant consideration here is that of conserving this nation's spectrum capacity in accordance with provisions of the General Radio Regulations adopted at Atlantic City and of allocating the frequencies to services which can most efficiently use them and which have the most urgent need for them. It should also be noted that international rights to the use of frequencies depend mainly on the initial date of the activation of a specific frequency for a specific use; the earlier U. S. fixed stations can be moved to in-band frequencies, the greater will be the rights of the United States on those frequencies; vice versa, the longer the delay incurred, either in moving to in-band frequencies, those stations which are out-of-band, or in effectuating the use of frequencies in accordance with the provisions of EARC, the greater is the possibility that those frequencies now available to the United States will not be available at a future date because of intervening use by other countries.

7. FSMNS now employs five frequencies, 2848 kc, 4555 kc, 5365 kc, 7625 kc and 7640 kc. The frequency 2848 kc is allocated by the Commission's Table of Frequency Allocation for use by the fixed and mobile services and is one which is seldom used by FSMNS. FSMNS has indicated that it has no objections to the discontinuance of this frequency. 4555 kc is also a frequency in the band allocated for use by the fixed and mobile services. This is a frequency which FSMNS in 1953 was authorized to use in lieu of 4245 kc in order that Station KPH, Bolinas, California, a coast telegraph station could be authorized to operate on 4245 kc—an assignment complying with EARC. The development of this need for one of the FSMNS frequencies and the subsequent modification of the FSMNS license illustrates the jeopardy in which all of the FSMNS frequencies are placed. Fortunately, the Commission was able, in this instance, to assign FSMNS another frequency.

8. The frequency 4555 kc is one which FSMNS uses to transmit over relatively short distances, it being the frequency used to communicate between stations located at Santa Maria, Bakersfield, Salinas, Sacramento, and Fresno and to communicate from these stations to San

Francisco. The frequencies 5365 kc and 7640 kc are used out of San Francisco—7640 kc for the long-distance transmission to Los Angeles and beyond, and 5365 kc for the shorter distances. The remaining FSMNS frequency, 7625 kc is used to transmit from Los Angeles to San Francisco. Thus, in order to provide reliable communication between the stations in the FSMNS radio network—all within the State of California and all within relatively short distances of each other—four frequencies are required.

9. As shown by our findings of fact, the frequencies 4555 kc, 5365 kc, 7625 kc and 7640 kc are assigned to the fixed service and all are suitable for use for transmission over relatively long propagation paths, as, for example, between California and Alaska during the hours in which FSMNS utilizes the frequencies. We do not mean to say, nor does the record show, that there have been specific requests for these frequencies now being used by FSMNS. But the record does show that requests of international fixed stations have had to be denied because of the unavailability of frequencies—that, indeed, there is a continuing and ever increasing demand in long-range communications for frequencies—a demand which cannot be fulfilled because of the extreme shortage of such frequencies. Looking at the other side of the matter, the record clearly demonstrates that it is feasible, both from a technical and economic standpoint, to have the service now performed by the FSMNS radio network rendered by a wire-network furnished by a common carrier. In these circumstances the increasing demand in long-range communications, the unique value of these frequencies for such operations, the short term use to which they are now being put, and the availability of a suitable and feasible alternative, we are of the opinion that the need and appropriateness in the fixed service for use of these frequencies is far greater than is the need or propriety of their continued use by FSMNS. We stress that such continued use of these frequencies by FSMNS would constitute an inefficient use of them because of the short propagation paths involved, compared with the service which these frequencies could provide when their long distance propagation characteristics are utilized to a maximum.

10. Cessation of FSMNS radio operation would not result in a discontinuance of its service since common carriers have stated that they can furnish a wire network upon 30-day notice. Nor would the transfer of the FSMNS communication circuits from radio to wire within six-months of this order impose an undue hardship upon the State of California. FSMNS has been on notice since 1947 of the possibility of the discontinuance of its radio circuit and had been advised frequently of this probable eventuality before May 23, 1952, the date of the subject Commission notice of proposed rule making in which it was proposed to eliminate the authority for the State of California to continue to operate a radio network. The cost of operation of a wire circuit may be greater than that of a radio circuit. The exact amount of in-

creased cost is in doubt since our Findings of Fact indicate that there are areas in which FSMNS can effectuate reductions in the operating cost of a wire network below that which was estimated. But even if the \$32,000 figure for an additional cost, which is advanced by FSMNS, be accepted, it is clear that, in view of the value of this communications service to FSMNS, the fact that the amount of additional cost involved (even assuming the FSMNS figure) is not oppressive, burdensome, or infeasible, and other considerations such as the money FSMNS has been willing to spend to operate and modernize the radio network, it cannot be seriously contended that the necessity for spending this amount of money is a sound reason for concluding that wire service is not a practicable substitute. Conceding that some disadvantage or inconvenience is caused FSMNS by the changeover, we stress that it is the public interest—not the convenience of FSMNS—which must dictate our decision.

11. FSMNS urges that the Commission withhold action in this proceeding until a determination is made in Docket No. 10777 (amendment of Parts 10 and 11 of the Commission's rules) In that proceeding, FSMNS requests the Commission to make it eligible as a microwave licensee and to make any other required changes in its rules so that FSMNS and certain eligible public safety agencies may share the use of a microwave system to be licensed to FSMNS. We do not believe the requested withholding of action is warranted or appropriate under the public interest standard. The proceeding in Docket 10777 raises questions requiring careful study and consideration. A number of pleadings have been filed, among which are oppositions to the amendments proposed by FSMNS. Final resolution of that proceeding would appear to involve a substantial period of time. Further, even assuming a decision favorable to FSMNS and forthcoming in the near future, FSMNS would probably require a minimum of approximately two to two and one-half years before it could convert to a microwave system; it would appear that that amount of time would be required to construct such a system after approval by the State legislature (see par. 55 of the findings of fact). Also significant here is the fact that no real disadvantage accrues to FSMNS if it must lease wire facilities, pending the establishment of its State-owned microwave system: No capital expenditures are required and the contemplated microwave system is in no way prejudiced. In view of delay involved and the demonstrated present need for the high frequencies, and the fact that immediate action in this case will in no way preclude or be an obstacle to the institution of the microwave system, we conclude that the request to withhold action in this proceeding must be rejected.

12. In its determinations herein, the Commission is not unmindful of the long period of meritorious service which FSMNS has rendered through its radio network, the good record which it has established over the years in the operation of its stations, and the spirit of cooperation it has always evinced in its

relationships with other licensees. But we point out that equally meritorious service can be rendered by FSMNS with a wire network, and that the public interest consideration previously noted require the reallocation of the frequencies in question to the purposes for which they are peculiarly suited.

13. The State of California in its reply brief contends that no showing has been made that the International fixed stations need or require the frequencies licensed to FSMNS; that the record only shows that these stations could use the frequencies now licensed to FSMNS; that they use some of the frequencies in the 4-8 Mc band some of the time during the hours FSMNS operates; and that the Commission's staff has had difficulty in finding frequencies as replacements for out-of-band frequencies. In this connection, State of California further contends that a requisite to a determination of whether the International fixed stations require or need the use of the frequencies licensed to FSMNS is a showing that the present or future anticipated traffic loads of the International fixed stations cannot be handled with their present in-band frequencies during the hours FSMNS operates. In support of this position, State of California refers to several licensing proceedings of International fixed carriers, wherein a factor in the Commission's deliberations was the circuit capacity of the facilities under consideration.

14. The foregoing contentions must be rejected. The subject proceeding is not governed by the proceedings to which California has reference. The latter involved licensing whereas this proceeding deals with a rule making matter in which the international obligations of this country are a transcendent consideration. Indeed, analysis of the competing considerations makes it completely clear that the California position is one totally lacking in merit. On the one hand, we find that these frequencies are peculiarly suited to international service, and that under international treaty, we are required to allocate these frequencies to such purposes; we further find that although many of the international operations which were out-of-band at the time of the hearing have now been brought in-band, there is a continuing and ever increasing demand in long-range communications for such frequencies, which cannot be wholly fulfilled because of a frequency shortage. We note that California itself recognizes that it must ultimately give up the high frequencies it is using in the FSMNS operation. Its quarrel apparently is with the timing of that divestiture. But when we look to its arguments against the needed present divestiture, we find nothing of any merit. The service can be readily and without any undue hardship rendered by leased wire method—and such an interim operation will in no way prejudice or hinder the institution of the contemplated microwave system. In effect, California's argument against immediate action is that it would like or find it more convenient to continue to operate its radio

system, pending some future conversion to microwave—not that it is necessary or essential to the preservation of FSMNS service that it be allowed to continue such radio operation. Such an argument has no real pertinence to the public interest determination which must be here made.

15. Upon a careful review of the entire record and upon the basis of the facts and considerations hereinabove set forth, we conclude that § 2.104 (a) (1) (iv) of the Commission's rules should be amended so as to eliminate the authority contained therein for FSMNS to operate on its existing frequencies. In reaching this conclusion, we have considered the Commission's statutory duty "to make available, so far as possible, to all the people of the United States a rapid, efficient, nation-wide, and world-wide wire and radio communication service * * *". As stated, we believe that the public interest and the international obligations of the United States require that the high frequencies now being utilized by the FSMNS radio network be made available for full-time use for international communications.

16. Accordingly, it is ordered, That 13th day of July 1955, pursuant to the authority contained in sections 301 and 303 (b) (f) and (r) of the Communications Act of 1934, as amended, that § 2.104 (a) (1) of the Commission's rules is amended by deleting therefrom subdivision (iv) It is further ordered, That this amendment shall become effective January 31, 1956.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 48 Stat. 1081, 1082; 47 U. S. C. 301, 303)

Released: July 19, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 55-6010; Filed, July 25, 1955;
8:47 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service,
Department of the Interior

Subchapter B—Hunting and Possession of
Wildlife

PART 6—MIGRATORY BIRDS AND CERTAIN
GAME MAMMALS

OPEN SEASONS, BAG LIMITS, AND POSSESSION
OF CERTAIN MIGRATORY GAME BIRDS

Basis and purpose. Section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U. S. C. 704) authorizes and directs the Secretary of the Interior, from time to time, having due regard for the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory birds, to determine when, to what extent, and by what means, such birds or any part, nest or egg thereof, may be taken, captured, killed, possessed, sold, purchased, shipped, carried, or transported.

By notice of proposed rule making published on July 6, 1955 (20 F. R. 4775), the public was invited to submit views, data, or arguments in writing to the Director, Fish and Wildlife Service, Washington 25, D. C., on or before July 21, 1955, and thus participate in the preparation of amendments to Part 6, Title 50, Code of Federal Regulations, to be proposed for the purpose of specifying open seasons, certain closed seasons, means of hunting, shooting hours, and bag limits for migratory game birds. It is deemed desirable to prescribe at this time daily bag and possession limits for rails, gallinules, woodcock, mourning and white-winged doves, and band-tailed pigeons and to announce the earliest opening and latest closing dates within which the several State Game Departments may make selections of their seasons for hunting these birds. In view of the September 1st opening date on waterfowl, coots and Wilson's snipe in the Territory of Alaska, it also is deemed desirable to prescribe regulations at this time to govern the hunting of these birds in the Territory. Following notification from the several State Game Departments of the hunting dates selected by them in accordance with the options prescribed in the regulation amendments appearing below and prior to the final adoption of regulations for rails, gallinules, woodcock, doves, and band-tailed pigeons, consideration will be given to such additional views and arguments as may be submitted by the general public in response to the Notice of Proposed Rule Making published on July 6, 1955.

After due consideration of data obtained through investigations conducted by personnel of the Fish and Wildlife Service, State Game Departments, and from other sources, and under authority contained in the statutory provision cited above, the regulations under the Migratory Bird Treaty Act are amended as follows:

1. Subparagraph (2) of § 6.3 (b) is amended to read as follows:

§ 6.3 Means by which migratory game birds may be taken. * * *

(b) * * *
(2) As used in this paragraph, the terms "shelled or shucked or unshucked corn, wheat, or other grains," or "other feed or means of feeding similarly used," shall not be construed as including properly shocked grain, standing crops (including aquatics), flooded standing crops, flooded harvested crop lands, or grains found scattered solely as a result of normal agricultural harvesting. Nothing in this section shall be construed to apply to propagating, scientific, or other operations in accordance with the terms of permits issued pursuant to this part.

* * *
2. The schedules designated as subparagraphs (1) *Atlantic Flyway States*, (2) *Mississippi Flyway States*, (3) *Central Flyway States*, (4) *Pacific Flyway States*, and (4a) *Mourning or turtle doves* of § 6.4 (e) are amended to read as follows:

(3) Central Flyway States

	Ralls and gallinules		Woodcock
	Sora	All others (singly or in aggregate)	
Daily bag limits	25	15	4
Possession limits	25	15	8
Seasons in:	(On the basis of recommendations to be submitted by the respective State game departments, specific seasons of 40 consecutive days, beginning on or about Sept. 1, 1955, and ending not later than Jan. 10, 1956, will be prescribed and published on or about Aug 1)		
Colorado			
Kansas			
Montana			
Nebraska			
New Mexico			
North Dakota			
Oklahoma			
South Dakota			
Texas			
Wyoming			

(4) Pacific Flyway States

	Ralls and gallinules		
	Sora	All others (singly or in aggregate)	
Daily bag limits	25	15	
Possession limits	25	15	
Seasons in:	(On the basis of recommendations to be submitted by the respective State game departments, specific seasons of 40 consecutive days, beginning on or about Sept. 1, 1955, and ending not later than Jan. 10, 1956, will be prescribed and published on or about Aug 1)		
Arizona			
California			
Idaho			
Nevada			
Oregon			
Utah			
Washington			

(4a) Mourning (turtle) doves (1) On the basis of recommendations to be submitted by the Game Departments of States lying east of Minnesota, Iowa, Missouri, Oklahoma, and Texas, specific seasons within the period beginning September 1, 1955, and ending not later than January 10, 1956, and comprising 35 consecutive full days; or two periods totalling 35 full days; or 45 consecutive

half-days (each beginning at 12 o'clock noon and ending at sunset); or two periods totalling 45 such half-days will be prescribed and published on or about August 1. The daily bag and possession limits in the States indicated shall be 8 On the basis of recommendations to be submitted by all other State Game Departments, specific seasons of 45 consecutive full days; or two periods totalling 45 full days will be prescribed and published on or about August 1. The daily bag and possession limits in the States last-above indicated shall be 10 For the purposes of this subparagraph, a full day shall be deemed to refer to a period beginning one-half hour before sunrise and ending at sunset

(ii) The white-winged dove seasons in Arizona and in Imperial and Riverside Counties in California will conform with the mourning (turtle) dove seasons in these States

(iii) The daily bag and possession limits for mourning (turtle) and white-winged doves in Arizona shall be 15, provided such limits contain not more than 10 mourning (turtle) doves

3 A new subparagraph (4c) Alaska is added to § 64 (c) reading as follows:

(1) Atlantic Flyway States

	Ralls and gallinules		Woodcock
	Sora	All others (singly or in aggregate)	
Daily bag limits	25	10	4
Possession limits	25	20	8
Seasons in:	(On the basis of recommendations to be submitted by the respective State game departments, specific seasons of 40 consecutive days, beginning on or about Sept. 1, 1955, and ending not later than Jan. 10, 1956, will be prescribed and published on or about Aug 1)		
Connecticut ¹			
Delaware			
District of Columbia (no open season)			
Florida			
Georgia			
Maine			
Maryland			
Massachusetts			
New Hampshire			
New Jersey			
New York			
North Carolina			
Pennsylvania			
Rhode Island			
South Carolina			
Vermont			
Virginia			
West Virginia			
Puerto Rico			

¹ Sooty, elder, and old-squaw ducks may be taken in open coastal waters only, beyond outer harbor lines, in Maine, Massachusetts, New Hampshire, and Rhode Island from Sept. 10 to Dec. 31. In Connecticut and New York from Oct. 1 to Dec. 31. In areas other than those beyond outer harbor lines such birds may be taken during the open season for other ducks. In these States only, the daily bag limit is 7 sooty, elder, or old squaw ducks singly or in the aggregate and not exceeding 14 in possession singly or in the aggregate of all kinds

(2) Mississippi Flyway States

	Ralls and gallinules		Woodcock
	Sora	All others (singly or in aggregate)	
Daily bag limits	25	15	4
Possession limits	25	15	8
Seasons in:	(On the basis of recommendations to be submitted by the respective State game departments, specific seasons of 40 consecutive days, beginning on or about Sept. 1, 1955, and ending not later than Jan. 10, 1956, will be prescribed and published on or about Aug 1)		
Alabama			
Arkansas			
Illinois			
Indiana			
Iowa			
Kentucky			
Louisiana			
Michigan			
Minnesota			
Mississippi			
Missouri			
Ohio			
Tennessee			
Wisconsin			

(4c) *Alaska.*

	Migratory Waterfowl, Coots, and Wilson's Snipe				
	Ducks	Geese	Coots	Brant	Wilson's Snipe (Jacksnipe)
Daily bag limits.....	7	3	15	3	8
Possession limits.....	14	6	15	6	8
Seasons in Territory of Alaska ¹	Sept. 1-Nov. 22.....				Sept. 1-30.

¹ Old-squaw, harlequin, scoter, elder, and merganser ducks may be taken in the Third Judicial Division west of 152° west longitude and in the Second and Fourth Judicial Divisions from Sept. 1 to Dec. 15. The daily bag limit for old-squaw, harlequin, scoter, and elder ducks is 10 singly or in the aggregate, and the possession limit is not more than 20 singly or in the aggregate of all kinds. The daily bag limit for American and red-breasted mergers is 25 singly or in the aggregate, of both kinds with no possession limit after the first day of the season.

(Sec. 3, 40 Stat. 755, as amended; 16 U. S. C. 704. Interprets or applies E. O. 10250, 16 F. R. 5385, 3 CFR, 1951 Supp.)

The foregoing amendments shall become effective 30 days after publication in the FEDERAL REGISTER.

Issued at Washington, D. C., and dated July 20, 1955.

DOUGLAS MCKAY,
Secretary of the Interior

[F. R. Doc. 55-6002; Filed, July 25, 1955; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[7 CFR Part 814]

MAINLAND CANE SUGAR AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEP- TIONS WITH RESPECT TO ALLOTMENT OF 1955 SUGAR QUOTA

Pursuant to the provisions of the Sugar Act of 1948, as amended (7 U. S. C. 1100 et seq., hereinafter referred to as the "act") and the applicable rules of practice and procedure (7 CFR 801.1 et seq.) notice is hereby given of the filing with the Hearing Clerk of the Recommended Decision of the Administrator, Commodity Stabilization Service, United States Department of Agriculture, with respect to a proposed order of the Secretary of Agriculture for the allotment of the 1955 sugar quota for the Mainland Cane Sugar Area. Interested persons may file written exceptions to this recommended decision and proposed order, together with supporting reasons therefor, with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 10 days after the date of filing of the recommended decision with the Hearing Clerk, which date shall be the date of publication of this notice in the FEDERAL REG-

ISTER. The date of filing of written exceptions with the Hearing Clerk by mail shall be the postmark date of submission of such exceptions.

Preliminary statement. Section 205 (a) of the act requires the Secretary to allot a quota whenever he finds that the allotment is necessary, among other things to (1) prevent disorderly marketing of sugar or liquid sugar and (2) afford all interested persons an equitable opportunity to market sugar or liquid sugar. Section 205 (a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may prescribe.

Pursuant to the applicable rules of practice and procedure (7 CFR 801.1 et seq.) a preliminary finding was made that allotment of the quota is necessary, and a notice was published on February 10, 1955 (20 F. R. 961) of a public hearing to be held at New Orleans, Louisiana, in the St. Charles Hotel, on February 25, 1955, at 10:00 a. m., c. s. t., for the purpose of receiving evidence to enable the Secretary (1) to affirm, modify or revoke the preliminary finding of necessity for allotments, and (2) to establish fair, efficient and equitable allotments of the 1955 quota for the Mainland Cane Sugar Area for the calendar year 1955.

The hearing was held at the place and time specified in the notice.

Summary of testimony. With respect to the necessity for allotment of the 1955 sugar quota for the Mainland Cane Sugar Area the Government witness testified that the Secretary of Agriculture had made a finding in Sugar Regulation 814.22 (19 F. R. 9324) (Ex. 4) that the allotment of the 1955 quota for the Mainland Cane Sugar Area is necessary to prevent disorderly marketing and to afford all interested parties equitable opportunities to market sugar. In amplification of these findings the Government witness pointed out that sugar from the 1953 and 1954 crops available for marketing in 1955 total approximately 390,000 short tons, raw value, leaving only approximately 110,000 short tons for new-crop sugar marketings to be marketed within the quota of 500,000 tons. The lowest new-crop marketings for any of the last seven years was about 215,000 tons and the highest was about 435,000 tons. Furthermore, present supply prospects in other domestic areas and Cuba are such that any increase in the Mainland Cane Sugar Area quota through deficit prorations is most unlikely. Thus, it seems clear that allotment of the Mainland Cane Sugar Area quota is necessary (R. 11-12) This testimony on the necessity for allotments was not controverted by any witness.

With respect to the manner in which the allotments should be made, the Government witness proposed that the factors to be considered in allotting the 1955 sugar quota for the Mainland Cane Sugar Area be measured and weighted as follows: (1) "Processings from proportionate shares", to be measured by each processor's production from 1954-crop cane and weighted 20 percent; (2) "past marketings" to be measured by each processor's average marketings for the five

years 1950 through 1954 and weighted 20 percent; and (3) "ability to market" to be measured by each processor's sum of (a) production from 1954-crop cane and (b) the quantity of sugar in inventory on January 1, 1955, in excess of the average quantity in inventory on January 1 of the years 1950 through 1954, or minus the quantity by which the average of January 1, 1950 through 1954 inventories exceed the January 1, 1955 inventory the factor to be weighted 60 percent (R. 15-16) The Government witness further proposed, however, that neither the initial nor the final 1955 allotment for any allottee be less than the quantity of sugar marketed in 1955 by such allottee under Sugar Regulation 814.22 (Ex. 4, R. 24)

With respect to the adequacy of the measure and weighting proposed for the factor "processings from proportionate shares" the Government witness stated that processings from the 1954-crop cane affords the most current measure of processings which includes the production of sugar from a full crop for each processor. Heavy weight to this factor seems appropriate (R. 16-17)

With respect to the adequacy of the measure and weighting proposed for the factor "past marketings", the Government witness stated that average annual marketings of mainland cane sugar during 1950 through 1954 appears to be a fair measure for this factor. The period is long enough to reflect good, bad and indifferent marketing experiences for each processor. This factor provides a means of counter-balancing any extreme experience for individual processors and deserves a weight of 20 percent (R. 17)

With respect to the measure and weighting proposed for the factor "ability to market" the Government witness stated it could best be measured in terms of availability of supplies. He pointed out that inventory requirements vary greatly between processors and that inventories at the beginning of the year must be given important consideration in determining 1955 allotments. Thus, he proposed using a measure which would relate supplies of sugar on hand on January 1 to supplies to be processed during the year. The measure of ability and weighting were proposed to permit dispersion of the load of carrying above normal inventories equitably among processors (R. 17-20)

The Government witness testified that the data submitted and used in demonstrating the proposal were in part estimated or derived data. It was pointed out that regardless of the final allotment method, the initial allotments established should be revised by substituting final data for estimates of production from 1954-crop cane, 1954 marketings and January 1, 1955 inventories in making final 1955 allotments (R. 21-22) The Government witness proposed that the initial allotment be limited to 85 percent of the quota pending revisions using final data. For any processor whose actual marketings in any year exceeded the allotment in effect for that year, the latter figure would be used to reflect marketings (R. 21-22, 25-26) The Government witness proposed

that in the event the 1955 quota for the Mainland Cane Sugar Area is increased as a result of the proration of a deficit in the quota of another supply area, such deficit shall be prorated on the basis of allotments in effect at the time of such proration to all allottees able to supply additional quantities of sugar. Also, it was proposed that in the event any allottee of the 1955 quota for the Mainland Cane Sugar Area is unable to market its allotment, such allotment deficits will be prorated on the basis of allotments in effect at the time the allotment deficit is prorated to other allottees able to supply additional quantities of sugar (R. 26).

The Government witness testified that The J. M. Burguières Co., Ltd., notified the Department that the Cypremort Sugar Company, a wholly owned and controlled subsidiary of the J. M. Burguières Co., Ltd., has been liquidated by the parent company, and that the Cypremort Sugar factory was operated for the purpose of processing the 1954-crop cane and will continue to be operated in the future by the parent company. Thus, The J. M. Burguières Co., Ltd., will replace the Cypremort Sugar Company as an allottee of the 1955 Mainland Cane Sugar Area quota (R. 26-27).

A representative of 39 Louisiana processors presented the following proposals:

A. Allot the Louisiana State University 100 tons (R. 49, B. 2)

B. For other processors, measure and weight the factors for allotting the 1955 quota as follows:

(1) "Processings" by each processor's production from 1954-crop, weighted by 40 percent.

(2) "Past marketings" by each processor's annual average marketings for 1948 to 1953, inclusive; weighted by 20 percent.

(3) "Ability to market" by each processor's sum of (a) production from 1954-crop, (b) stocks on hand January 1, 1954, in excess of the 1948-53 average; weighted by 40 percent (R. 43-44, B. 2).

C. Adjust allotments computed under B so that no allotment is less than January 1, 1955 inventory plus 20 percent of 1954-crop but reduce no allotment to provide such minimum by more than 2.4 percent (R. 40, B. 2).

D. Incorporate provisions similar to paragraphs (c) and (d) of section 814.21 (19 F. R. 1337) of the 1954 allotment order relating to transfer of allotments and exchange of sugar between allottees (R. 50, B. 2).

E. For any increase in quota, recompute both B and C (R. 50, B. 2).

F. In any formula using differences between January 1 inventory and the average January 1 inventory for a base period, that only excess quantities be considered (R. 49, B. 3).

All processors at the hearing or subsequently in writing, joined in a stipulation to allot to the Louisiana State University 100 tons of the quota (R. 52-54, B. 11).

In support of recommendation B the witness pointed out the formula proposed was identical to that used in determining 1954 allotments except for weightings being applied to a percent-

age rather than a tonnage basis and substituting for 1953-crop production that of 1954 (R. 44; B. 10-11).

In support of recommendation C, the witness pointed out that the burden of abnormal stocks held on January 1, 1953, was not equalized by 1953 allotments and the resulting disparities have continued (R. 46; B. 4-10.)

The provisions recommended to be included in D were included in a previous order and there has been no objection to their inclusion (B. 12).

Recommendation F was agreed to at the hearing or subsequently in writing by all processors (R. 55).

A representative of the United States Sugar Corporation testified that allotments established in September 1953 brought greater hardship to Florida processors than to those in Louisiana because of the difference in time of processing. Marketing restrictions cause Florida processors to store sugar for approximately 8 months before new allotments permit marketing, while for Louisiana producers only a short storage period is required. The witness indicated that marketing restrictions forced his firm to spend \$135,000 to store 20,000 tons of 1953-crop sugar and probably \$150,000 more to store 15,000 additional tons of 1954 sugar. He stated that it is imperative that Florida processors be given some relief from the burden of storing sugar supplies in excess of marketing limitations (R. 59-60, B. 1-4). He stated that the Government proposal gives token recognition to this through its weighting of factors but does not go far enough toward alleviating the problem because of the effect of weighting 1954-crop production in both the "processings" and "ability" factors (R. 60; B. 4-8). The witness proposed at the hearing the following allotment method:

1. "Processings"—1954-crop production, weighted 20 percent.

2. "Past marketings"—average 1950-54 marketings, weighted 20 percent.

3. "Ability to market"—January 1, 1955, inventories in excess of average January 1 inventories 1950-54, weighted 60 percent (R. 60; Ex. 17).

In its brief, the U. S. Sugar Corporation proposed measuring "ability to market" by effective inventories of January 1, 1955, as an alternative to the measure it proposed in the hearing (B. 6; Table A).

A representative of Okeelanta Sugar Refinery urged greater recognition to the differences between the Florida and Louisiana processors in respect to time of processing and consequent greater storage burdens of Florida processors on excess-quota sugar (R. 65-67).

The Meeker Sugar Coop, objected to the using of 1950-54-crop in the formula because they experienced severe droughts and severe freezes adversely affecting their 1951 and 1952 crops. They favored using 1948-54 average rather than 1950-54-crop production (B. 3).

Southdown Sugars, Inc., in its brief, opposed any proposal which does not permit marketing of an amount of sugar equal to January 1, 1955, inventory plus 20 percent of the 1954 production, and pointed out that only one processor opposed such a provision (B. 1-3).

The Fellsme Sugar Producers Association, in its brief, contended that by failing to take into account the difference in crop cycles between the two mainland cane production areas, the 1953 and 1954 allotments resulted in serious injustice to the Florida processors. It was pointed out that Louisiana processors can sell some 1955-crop sugar in 1955; whereas, Florida processors can sell none and must hold a devastating inventory from the 1954-crop until January 1, 1956. Accordingly, it was proposed that sufficient weight be given to inventories, in determining allotments, to correct the inequity now existing between Florida and Louisiana processors (B. 1-2).

The Albania Sugar Company, in its brief, urged that less consideration be given to 1954 production and more weight to past production in determining allotments. This is necessary to decrease the incentive to increase production (B. 1).

Milliken and Farwell, Inc., in their brief, argued that no allottee should receive an allotment smaller than would permit the sale of sugar equal to January 1, 1955, inventory plus 25 percent of his 1954 production. It also urged that allotments be determined from tonnage yielded for each factor rather than on the basis of percentages (B. 1).

The record was left open until the final date for filing briefs to permit processors to submit data to correct data appearing in the record (R. 78-79), and until the date of issuance of the initial allotment order under this proceeding to permit marketings in 1955 under Sugar Regulation 814.22 (Ex. 4) to be made a part of the record (R. 24, 79). Three processors submitted corrected data during the hearing, or subsequently in writing, relating to Exhibits 5, 6, 7, 8, 9, 10, and 11 (R. 62-63, Ex. 18; R. 74-75, Ex. 19).

Basis of allotment. Section 205 (a) of the act reads in pertinent part as follows:

• • • Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processings of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person and the ability of such person to market or import that portion of such quota or proration thereof allotted to him • • •

The allotment method set forth below assigns different weights to the factors than proposed in the hearing by the Government witness; applies weightings to the factors on the basis of tonnages (as in the 1954 allotment) rather than on the basis of percentage shares of each factor; and uses a different measure of "ability" than any of the proposals made in the hearing and briefs. The changes are consistent with testimony and arguments emphasizing that an equitable allotment method must fairly distribute among processors the burden of storing sugar arising from conditions of restricted marketings. Though proposals

in the hearing differed greatly on how best to accomplish more equitable sharing of the storage burden, the testimony consistently stated the objective which the method below tends to accomplish.

The three factors specified in the foregoing provision of law have been considered and each is given a percentile weighting by the formula on which this allotment of the 1955 quota for the Mainland Cane Sugar Area is based. Under this formula the factors are weighted and measured as follows:

(1) "Processings from proportionate shares" to be weighted 40 percent, is measured by each processor's production of sugar from 1954-crop cane.

(2) "Past marketings" to be weighted 20 percent, is measured by each processor's annual average marketings of sugar, within the quota and the processor's allotments, during the calendar years 1950 through 1954.

(3) "Ability to market" to be weighted 40 percent, is measured by the sum of (1) each processor's January 1, 1955, effective inventory and (2) his share of the difference between the 1955 quota and the total January 1, 1955, effective inventories of all processors. Each processor's share of such difference shall be determined by applying to the area total difference the percentage that his average 1950-54 new-crop marketings were of the area average.

Before applying the formula, 100 short tons, raw value, of sugar is first set aside as an allotment for the Louisiana State University as agreed to by all processors, leaving 499,900 short tons of the quota to be allotted by the formula to all other processors. For all other processors, the tonnages representing each of the three factors as stated above are weighted 40, 20 and 40 percent, respectively. The resulting tonnages are adjusted to total 499,900 tons.

The measure of the factor "processings" stated above, is the most current measure of processing, and is directly pertinent to marketings in 1955. This factor, so measured, deserves major weighting in determining allotments. Hearing testimony supports this reasoning and a weighting to this factor of 40 percent.

The measure of the factor "past marketings" and a weighting of 20 percent were generally supported by testimony indicating that the period used includes good, bad and indifferent marketing experiences, thus tempering the effect of unusual influences affecting any single year and that this factor deserves less weight than the factors of "processings" and "ability to market".

In the measure of the factor "ability to market" the effective inventory, consisting of January 1, 1955, physical inventory plus production in 1955 from 1954-crop sugarcane, represents the maximum quantity of mainland cane sugar that can be marketed before processing of 1955-crop sugarcane commences in the fall. If all sugar in effective inventories as of January 1, 1955, were marketed during 1955, only the

remainder of the 500,000 short tons, raw value, quota would be available to be filled by new-crop sugar. Annual average marketings of new-crop sugar during the years 1950-54 represent a fair measure of the relative ability of various processors to market new-crop sugar. Each processor's share of such average marketings applied to the statutory quota in excess of total effective inventory for the area as a whole represents a fair measure of the relative ability of various processors to market new-crop sugar within the quota for 1955. These separate measures of ability to market old and new-crop sugar when combined for each processor suitably represent ability to market sugar within the mainland sugarcane area quota for 1955. Such a measure, when weighted 40 percent along with the measures and weightings assigned in this order to "processings" and "past marketings" results in allotments which recognize the objective of both Government and industry testimony.

The necessary data for the measure of ability are derived from data in the hearing record as follows: (a) January 1, 1955, effective inventory is obtained by subtracting 1954-crop sugar produced in 1954 (R. Ex. 10, Col. 2) from total production of 1954-crop sugar (R. Ex. 9, Col. 1) and adding to the difference January 1, 1955, physical inventory (R. Ex. 10, Col. 4) (b) New-crop marketings for each year 1950-54, by determining the extent to which marketings during the year (R. Ex. 6) exceeded effective inventory on January 1 of that year (R. Ex. 8)

Allotments set forth in this Recommended Decision are based upon estimates of 1954-crop production, 1954 marketings and January 1, 1955 inventories which appear in the record and in the Findings and Conclusions of the Recommended Decision. Final data are to be substituted in the final order. Pending the issuance of a final order based on final data, it is proposed to limit marketings to 90 percent of the allotments computed as shown in the Recommended Decision. In view of the slight differences which it appears will result from substitution of final data, a 90 percent limitation should safely avoid marketings in excess of final allotments.

Provision is made in paragraph (c) of this order for the transfer of allotments under circumstances requiring special consideration to insure the processing of all sugarcane to which proportionate shares pertain. Some processors have requested such a provision and none have opposed it. The geographical distribution of sugarcane acreage and mills, differences in operating conditions of various mills and the marketing practices for sugarcane in some parts of the area, appear to make such a provision desirable.

The provisions of paragraph (d) of previous allotment orders (S. R. 814.20 and S. R. 814.21) are included, in substance, in Sugar Regulation 815 (19 F. R. 7930) which became effective January 1,

1955. Thus, a similar provision is not needed in this order.

The Cypremort Sugar Company, a wholly-owned subsidiary of The J. M. Burgulieres Co., Ltd., having been liquidated, is replaced as an allottee of the Mainland Cane Sugar Area quota by the parent company.

Findings and conclusions. On the basis of the record of the hearing, I hereby find and conclude that: (1) January 1, 1955 effective inventories of mainland cane sugar approximate 390,000 short tons, raw value. With a quota of 500,000 tons, such inventories limit 1955 marketings of 1955-crop mainland cane sugar to about 110,000 tons. New-crop marketings during the last seven years ranged from a low of about 215,000 tons to a high of about 435,000. Thus, the supply of sugar available for marketing in 1955 is expected to greatly exceed the statutory quota of 500,000 short tons, raw value.

(2) Prospects in other domestic areas and Cuba are such that no increase in the Mainland Cane Sugar Area quota through proration of deficits is likely.

(3) The supply situation makes necessary the allotment of the 1955 sugar quota for the Mainland Cane Sugar Area to assure an orderly flow of such sugar in the channels of interstate commerce, to prevent disorderly marketing of sugar, and to afford all interested persons equitable opportunities to market sugar within the quota.

(4) An allotment of 100 short tons, raw value, should be established for the Louisiana State University and the balance of the quota should be allotted in accordance with the method set forth in (5) and (6) below.

(5) For processors other than the Louisiana State University, consideration should be given the three factors specified in Sec. 205 (a) of the Act by measurements and weightings as follows based on data in the hearing record.

(a) The factor processings from proportionate shares should be measured by each processor's production of sugar from 1954-crop sugarcane, in short tons, raw value, and weighted by 40 percent;

(b) The factor past marketings should be measured by each processor's average annual marketings within the quota and his allotment for the years 1950 through 1954, in short tons, raw value, and weighted by 20 percent.

(c) The factor ability to market should be measured by the sum of (1) each processor's January 1, 1955, effective inventory and (2) his share of the difference between the 1955 quota and the total January 1, 1955, effective inventories of all processors. Each processor's share of such difference shall be determined by applying to the area total difference the percentage that his average 1950-54 new-crop marketings were of the area average. The sum of (1) and (2), above, in short tons, raw value, should be weighted by 40 percent.

(6) The measures of the three factors referred to in (5), above, are the quantities of sugar set forth below:

[Short tons of sugar, raw value]

Processors	Processings crop year 1954	Past marketings average calendar years 1950-54	Ability to market			
			Jan. 1, 1955 effective inventories	New-crop marketings		Measure used (col. (3) plus col. (5))
				Average 1950-54	"Shares of difference" (see (3) (c) above) based on col. (4)	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Alabama Sugar Coop., Inc.	6,306	5,592	2,330	5,531	1,753	4,026
Alice O. Ref. & Plant., Inc.	7,239	6,739	2,391	6,544	2,099	4,499
Alma Plantation, Ltd.	7,185	6,312	2,594	6,142	1,970	4,564
J. Aron & Co., Inc.	13,617	10,401	6,070	9,722	3,118	9,194
Billeaud Sugar Factory	8,283	7,597	2,405	7,154	2,294	4,699
Breaux Bridge Sugar Coop., Inc.	7,440	6,099	2,650	5,091	1,922	4,572
J. M. Burguières Co., Ltd., The	6,220	4,992	2,653	4,829	1,553	4,211
Burton-Sutton Oil Co., Inc.	7,761	5,405	5,090	1,946	621	6,554
Care & Graunard	3,565	3,256	1,016	2,823	905	1,921
Caldwell Sugar Coop., Inc.	12,488	8,931	7,323	6,739	2,153	9,457
Catherine Sugar Co., Inc.	7,210	5,073	2,680	5,353	1,717	4,677
Columbia Sugar Co.	5,622	4,654	4,168	2,442	753	4,031
Cora-Texas Manufacturing Co., Inc.	3,193	2,018	2,034	1,453	466	2,000
Dugas & LeBlanc, Ltd.	12,651	9,743	5,647	8,850	2,841	8,458
Duha & Bourgeois Sugar Co., Inc.	9,136	7,274	4,226	6,157	1,934	6,219
Erath Sugar Co., Ltd.	5,637	4,797	1,270	4,724	1,315	2,794
Evan Hall Sugar Coop., Inc.	22,147	16,857	9,452	10,323	5,259	14,533
Evangelina Pepper & Food Prod., Inc.	4,620	4,550	1,114	4,401	1,412	2,523
Fellsmere Sugar Prod. Assoc.	8,560	8,919	10,852	1,495	452	11,594
Frisco Cane Co., Inc.	891	705	411	635	234	615
Glenwood Coop., Inc.	11,823	7,852	7,242	6,591	2,085	9,327
Godchaux Sugars, Inc.	35,649	30,659	21,639	20,282	6,433	23,157
Helvetia Sugar Coop., Inc.	6,865	5,319	2,459	5,102	1,630	4,125
Iberia Sugar Coop., Inc.	14,157	12,318	4,672	11,955	3,887	8,699
LaFourche Sugar Co.	14,997	11,640	7,023	10,236	3,232	8,693
Harry L. Laws & Co., Inc.	9,679	7,533	3,578	7,125	2,235	6,163
Leverett St. John, Inc.	10,120	8,564	2,825	8,345	1,670	5,691
Louis Sugar Co., Inc.	5,735	5,635	2,042	4,411	1,415	3,457
Louisiana State Penitentiary	2,694	3,582	1,150	2,122	689	1,810
Lula Factory, Inc.	12,002	9,749	4,414	9,017	2,892	7,323
Meeker Sugar Coop., Inc.	3,256	3,923	603	2,669	836	1,423
Milliken & Farwell, Inc.	13,635	10,305	8,246	8,075	2,499	10,826
Okeelanta Sugar Refinery, Inc.	12,607	9,160	16,654	1,461	463	17,122
M. A. Patout & Son, Ltd.	8,477	8,029	2,826	7,687	2,455	6,291
Poplar Grove Pkg. & Ref. Co., Inc.	6,445	5,476	2,340	5,332	1,716	4,626
E. G. Robichaux Co., Ltd.	5,573	3,620	3,036	2,870	922	3,078
St. James Sugar Coop., Inc.	12,922	9,431	6,013	8,670	2,769	8,793
St. Mary Sugar Coop., Inc.	11,243	11,840	2,772	11,474	3,683	6,452
Slack Bros., Inc.	3,116	2,708	1,165	2,225	714	1,870
Smades Bros., Inc.	4,153	4,092	1,045	3,872	1,242	2,257
South Coast Corp.	42,395	26,915	27,942	19,871	6,573	24,315
Southdown Sugars, Inc.	40,948	34,225	30,335	14,359	4,605	34,949
Sterling Sugars, Inc.	12,450	8,500	6,484	6,018	1,663	8,414
J. Supple's Sons Pkg. Co., Inc.	5,220	3,555	3,082	2,856	916	3,093
United States Sugar Corp.	108,000	99,428	128,751	19,847	6,355	135,116
Valentine Sugars, Inc.	12,154	10,212	9,035	4,903	1,572	10,607
Vermillion Sugar Co., Inc.	1,975	2,642	0	2,606	839	1,514
Vida Sugars, Inc.	4,539	4,273	1,032	4,246	1,232	2,411
A. Wilbert's Sons Lbr. & Sh. Co.	9,020	6,650	4,219	6,471	2,075	4,794
Young's Industries, Inc.	6,205	5,675	2,114	5,253	1,679	3,753
Total	607,216	513,960	392,594	334,883	197,293	493,000

¹ Determined by subtracting from the statutory quota (500,000 tons) the January 1, 1955, effective inventories (392,504 tons) and the quota stipulated for Louisiana State University (109 tons).

(7) The J. M. Burguières Co., Ltd., shall replace the Cypermort Sugar Company as an allottee of the Mainland Cane Sugar Area quota, with its 1955 allotment based on past production, marketings and inventories of sugar of the Cypermort Sugar Company.

(8) The allotment order should be revised as soon as practicable after the data are available, substituting therein the final 1954-crop production, 1954 marketings and January 1, 1955, inventories of each processor.

(9) To prevent any allottee from marketing a quantity of sugar in excess of his allotment to be established on the basis of final data, and pending the issuance of an allotment order based on final data, the marketings of each allottee should be limited to 90 percent of his allotment set forth in this order, or his allotment established in Section 814.22 (19 F. R. 9324) whichever is greater.

(10) An efficient distribution of the quota requires provision for transfer of allotments in unusual circumstances when deemed necessary to assure the processing of all proportionate shares.

(11) The order shall be revised without further notice or hearing, for the purpose of allotting any additional quota resulting from proration of deficits in the quota for other supply areas, or any deficit in the allotment of any allottee under the order, by allotting any such additional quota or deficit to allottees, who are able to supply the additional sugar, in the proportion that their respective allotments bear to the total allotments of such allottees under the order.

(12) Allotments established in the foregoing manner and in the amounts set forth in the order provide a fair, efficient and equitable distribution of the quota as required by section 205 (a) of the act.

Order Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, it is hereby ordered that section 814.22 be amended to read as follows:

§ 814.22 *Allotment of the 1955 sugar quota for the Mainland Cane Sugar Area*—(a) *Allotments*. The 1955 sugar quota for the Mainland Cane Sugar Area

is hereby allotted to the following processors in amounts which appear in column (1) opposite their respective names:

[Short tons, raw value]

Processors	Allotments	
	Total (1)	90 percent (2)
Alabama Sugar Coop., Inc.	4,822	4,310
Alice O. Ref. & Plant., Inc.	5,521	4,969
Alma Plantation, Ltd.	5,389	4,850
J. Aron & Co., Inc.	10,266	9,239
Billeaud Sugar Factory	6,149	5,531
Breaux Bridge Sugar Coop., Inc.	5,518	4,965
J. M. Burguières Co., Ltd., The	4,733	4,264
Burton-Sutton Oil Co., Inc.	6,235	5,612
Care & Graunard	2,007	2,347
Caldwell Sugar Coop., Inc.	9,630	8,721
Catherine Sugar Co., Inc.	6,493	4,857
Columbia Sugar Co.	4,724	4,254
Cora-Texas Manufacturing Co., Inc.	2,453	2,212
Dugas & LeBlanc, Ltd.	9,532	8,579
Duha & Bourgeois Sugar Co., Inc.	6,963	6,271
Erath Sugar Co., Ltd.	3,743	3,375
Evan Hall Sugar Coop., Inc.	19,576	14,713
Evangelina Pepper & Food Prod., Inc.	3,452	3,107
Fellsmere Sugar Prod. Assoc.	8,911	8,023
Frisco Cane Co., Inc.	632	614
Glenwood Coop., Inc.	9,191	8,272
Godchaux Sugars, Inc.	23,819	23,537
Helvetia Sugar Coop., Inc.	5,092	4,592
Iberia Sugar Coop., Inc.	10,654	9,593
LaFourche Sugar Co.	11,416	10,271
Harry L. Laws & Co., Inc.	7,186	6,497
Leverett St. John, Inc.	7,257	6,531
Louis Sugar Co., Inc.	4,412	3,971
Louisiana State Penitentiary	2,707	2,076
Lula Factory, Inc.	8,873	7,936
Meeker Sugar Coop., Inc.	2,458	2,212
Milliken & Farwell, Inc.	10,878	9,759
Okeelanta Sugar Refinery, Inc.	12,574	11,317
M. A. Patout & Son, Ltd.	6,517	5,855
Poplar Grove Pkg. & Ref. Co., Inc.	4,522	4,377
E. G. Robichaux Co., Ltd.	4,156	3,710
St. James Sugar Coop., Inc.	9,711	8,740
St. Mary Sugar Coop., Inc.	8,534	7,769
Slack Bros., Inc.	2,327	2,094
Smades Bros., Inc.	3,110	2,799
South Coast Corp.	34,876	31,583
Southdown Sugars, Inc.	34,695	30,656
Sterling Sugars, Inc.	9,233	8,355
J. Supple's Sons Pkg. Co., Inc.	4,629	3,625
United States Sugar Corp.	107,313	95,582
Valentine Sugars, Inc.	10,215	9,192
Vermillion Sugar Co., Inc.	1,514	1,353
Vida Sugars, Inc.	3,391	2,953
A. Wilbert's Sons Lbr. & Sh. Co.	6,882	6,124
Young's Industries, Inc.	4,704	4,224
Louisiana State University	110	101
All other persons	600	600
Total	550,000	490,010

¹ 100 tons as stipulated for Louisiana State University.

(b) *Restrictions on marketings*. During the period January 1, 1955 to the date the allotments established in this section are revised on the basis of final data, each processor named in paragraph (a) of this section is hereby prohibited from shipping, transporting or marketing in interstate commerce, or in competition with sugar or liquid sugar shipped, transported or marketed in interstate or foreign commerce, any sugar or liquid sugar produced from sugarcane grown on the Mainland Cane Sugar Area in excess of 90 percent of his allotment established in paragraph (a) of this section or that quantity previously established as his allotment under this section prior to amendment (19 F. R. 9324), whichever is the greater.

(c) *Transfer of allotment*. When approved in writing by the Director, Sugar Division, Commodity Stabilization Service, of the Department, allotments made in paragraph (a) of this section may be transferred, in whole or in part, to another allottee thereunder upon a showing that the transferee has processed or will process 1955-crop sugarcane because of inability of the transferor, arising

ing subsequently to the processing of the 1954-crop, to process the tonnage of sugarcane which otherwise would be processed by him.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 205, 61 Stat. 926; 7 U. S. C. Sup. 1115)

Issued at Washington, D. C., this 15th day of July, 1955.

[SEAL]

WALTER C. BERGER,
Acting Administrator

[F. R. Doc. 55-5886; Filed, July 25, 1955; 8:45 a. m.]

[1955 Dept. Circ. 964]

2 PERCENT TREASURY NOTES OF SERIES
B-1956; ADDITIONAL ISSUE
OFFERING OF NOTES

JULY 20, 1955.

I. Offering of notes. 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par with an adjustment of interest as provided in Section IV hereof, from the people of the United States for notes of the United States, designated 2 percent Treasury Notes of Series B-1956, in exchange for 1½ percent Treasury Certificates of Indebtedness of Series D-1955, maturing August 15, 1955. The amount of the offering under this circular will be limited to the amount of maturing certificates tendered in exchange and accepted. The books will be open only on July 20 through July 22 for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the maturing certificates are offered the privilege of exchanging all or any part of such certificates for 2 percent Treasury Certificates of Indebtedness of Series B-1956, which offering is set forth in Department Circular No. 963, issued simultaneously with this circular.

II. Description of notes. 1. The notes now offered will be an addition to and will form a part of the series of 2 percent Treasury Notes of Series B-1956 issued pursuant to Department Circular No. 960, dated May 3, 1955, will be freely interchangeable therewith, are identical in all respects therewith, and are described in the following quotation from Department Circular No. 960:

1. The notes will be dated May 17, 1955, and will bear interest from that date at the rate of 2 percent per annum, payable on a semiannual basis on February 15 and August 15, 1956. They will mature August 15, 1956, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000, \$1,000,000, \$100,000,000, and \$500,000,000. The notes will not be issued in registered form.

5. The notes will be subject to the general regulations of the Treasury Department as now or hereafter prescribed in Department Circular No. 300, Revised.

III. Subscription and allotment. 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of the Public Debt

[1955 Dept. Circ. 963]

2 PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES B-1956; TAX ANTICIPATION SERIES

OFFERING OF CERTIFICATES

JULY 20, 1955.

I. Offering of certificates. 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for certificates of indebtedness of the United States, designated 2 percent Treasury Certificates of Indebtedness of Series B-1956, in exchange for 1½ percent Treasury Certificates of Indebtedness of Series D-1955, maturing August 15, 1955. The amount of the offering under this circular will be limited to the amount of maturing certificates tendered in exchange and accepted. The books will be open only on July 20 through July 22 for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the maturing certificates are offered the privilege of exchanging all or any part of such certificates for 2 percent Treasury Notes of Series B-1956, which offering is set forth in Department Circular No. 964, issued simultaneously with this circular.

II. Description of certificates. 1. The certificates will be dated August 1, 1955, and will bear interest from that date at the rate of 2 percent per annum, payable with the principal at maturity on June 22, 1956. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates is subject to all taxes imposed under the Internal Revenue Code of 1954. The certificates are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will be accepted at par plus accrued interest to maturity in payment of income and profits taxes due on June 15, 1956.

4. Bearer certificates will be issued in denominations of \$1,000, \$5,000, \$10,000,

\$100,000, and \$1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. Subscription and allotment. 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of certificates applied for; and any action he may take in these respects shall be final. Allotment notices will be sent out promptly upon allotment.

IV. Payment. 1. Payment at par for certificates allotted hereunder must be made on or for notes allotted hereunder must be made on or before August 1, 1955, or on later allotment. Payment of the principal amount may be made only in Treasury Certificates of Indebtedness of Series D-1955, maturing August 15, 1955, which will be accepted at par. The certificates together with accrued interest at the rate of \$4.1989 per \$1,000 on the notes to be issued should accompany the subscription. Coupons dated August 15, 1955, should be detached from the certificates when surrendered, and cashed when due.

V. General provisions. 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL]

G. M. HUMPHREY,
Secretary of the Treasury.

[F. R. Doc. 55-6008; Filed, July 25, 1955; 8:46 a. m.]

the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of notes applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV *Payment.* 1. Payment at par and accrued interest from May 17, 1955, to August 1, 1955, before August 1, 1955, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series D-1955, maturing August 15, 1955, which will be accepted at par, and should accompany the subscription. Coupons dated August 15, 1955, should be detached from the certificates when surrendered, and cashed when due.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscription allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] G. M. HUMPHREY,
Secretary of the Treasury.

[F. R. Doc. 55-6009; Filed, July 25, 1955; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

National Park Service

[Olympic National Park Order 1]

ASSISTANT SUPERINTENDENT AND
ADMINISTRATIVE OFFICER

DELEGATION OF AUTHORITY

SECTION 1. *Assistant Superintendent and Administrative Officer.* The Assistant Superintendent and Administrative Officer may execute and approve contracts not in excess of \$10,000 for supplies, equipment or services in conformity with applicable regulations and statutory authority subject to availability of appropriations.

SEC. 2. *Appeals.* Any party aggrieved by any action or decision of the Assistant Superintendent or Administrative Officer shall have a right of appeal to the Superintendent of the area. Any such appeal shall be in writing and shall be submitted to the Superintendent within 30 days after receipt by the aggrieved party of notice of the action taken or decision made by the Assistant Superintendent or Administrative Officer.

(National Park Service Order No. 14 (19 F. R. 8824); 39 Stat. 535; 16 U. S. C., 1952 ed., sec. 2, Region Four Order No. 2 (19 F. R. 8824))

Issued this 12th day of July 1955.

[SEAL] FRED J. OVERLY,
*Superintendent,
Olympic National Park.*

[F. R. Doc. 55-6005; Filed, July 25, 1955; 8:46 a. m.]

[Crater Lake National Park and Oregon Caves National Monument Order 1]

ADMINISTRATIVE OFFICER

DELEGATION OF AUTHORITY

JULY 1, 1955.

SECTION 1. *Administrative Officer.* The Administrative Officer may execute and approve contracts not in excess of \$25,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

SEC. 2. *Appeals.* Any party aggrieved by any action or decision of the Administrative Officer shall have a right of appeal to the Superintendent of the areas. Any such appeal shall be in writing and shall be submitted to the Superintendent within 30 days after receipt by the aggrieved party of notice of the action taken or decision made by the Administrative Officer.

(National Park Service Order No. 14 (19 F. R. 8824); 39 Stat. 535; 16 U. S. C., 1952 ed., sec. 2, Region Four Order No. 2 (19 F. R. 8824))

[SEAL] THOMAS J. WILLIAMS,
*Superintendent, Crater Lake
National Park and Oregon
Caves National Monument.*

[F. R. Doc. 55-6006; Filed, July 25, 1955; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

PACIFIC WESTBOUND CONFERENCE ET AL.
NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 57-57, between the member lines of the Pacific Westbound Conference, modifies the Appendix to the basic conference agreement (No. 57), by deleting the reference to Haiphong as one of the ports to which differential rates have been established.

(2) Agreement No. 57-58, between the member lines of the Pacific Westbound Conference, modifies the Appendix to the basic conference agreement (No. 57) by deleting the reference to Haiphong now included in the Classification of Discharge Ports.

(3) Agreement No. 8039, between R. G. Hobelmann & Co. and Alltransports, Inc., freight forwarders, and William T. Luthi, provides for the conduct of Alltransport

forwarding and other business in Baltimore, Md.

(4) Agreement No. 8290, between American President Lines, Ltd., Pacific Transport Lines, Inc., and United States Lines Company, provides for the creation of the Hawaii/Orient Rate Agreement covering the establishment and maintenance of agreed rates, charges and practices for or in connection with the transportation of all cargo in the trade from Hawaii to the Orient.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearings be desired.

Dated: July 21, 1955.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 55-6037; Filed, July 25, 1955; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11273; FCC 55 M-652]

E. WEAKS MCKINNEY-SMITH

ORDER CONTINUING HEARING

In re application of E. WEAKS MCKINNEY-SMITH, Paducah, Kentucky, Docket No. 11273, File No. BP-9268; for construction permit.

To accommodate the Hearing Examiner's schedule, it is ordered, On his own initiative, this 19th day of July 1955, that the hearing now scheduled for July 21, 1955, is continued to Wednesday, July 27, 1955, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-6011; Filed, July 25, 1955; 8:47 a. m.]

[Docket No. 11237, etc., FCC 55M-640]

EL MUNDO, INC., ET AL.

MEMORANDUM OPINION AND ORDER CONTINUING PREHEARING CONFERENCE

In re applications of El Mundo, Inc., Mayaguez, Puerto Rico, Docket No. 11287, File No. BPCT-1892; Ponce de Leon Broadcasting Company, Inc., of P. R., Mayaguez, Puerto Rico, Docket No. 11283, File No. BPCT-1906; Supreme Broadcasting Company, Inc., Mayaguez, Puerto Rico, Docket No. 11289, File No. BPCT-1911; for construction permits for new television broadcast stations.

Appearances. Philip J. Hennessey, Jr., and Seymour M. Chase, on behalf of El

Mundo, Inc., Clair L. Stout and John B. Jacob, on behalf of Ponce de Leon Broadcasting Company Inc. of P. R., and John H. Bass, Jr., on behalf of the Chief of the Broadcast Bureau, Federal Communications Commission.

1. A pre-hearing conference in the above-entitled proceeding was held before the undersigned Hearing Examiner on July 1, 1955. This conference was attended by counsel for El Mundo, Inc., Ponce de Leon Broadcasting Company Inc., of P. R., and for the Chief of the Broadcast Bureau, Federal Communications Commission. Supreme Broadcasting Company was not represented by counsel. At this conference counsel for the Chief of the Broadcast Bureau stated that he was informed that Supreme Broadcasting Company, Inc., intends to dismiss its application in the instant proceeding. Counsel for both of the other applicants also indicated that they had the same information.

2. At this pre-hearing conference counsel for Ponce de Leon Broadcasting Company, Inc., of P. R., stated on the record that a construction permit has been granted for the use of one of the two VFH channels allocated at Mayaguez, Puerto Rico; that the use of the remaining channel is the subject matter of the instant proceeding; that there are two VFH channels allocated to Ponce, Puerto Rico; that a check of the Commission's records indicates that no applications have been filed for the use of either of these channels; that he has been advised by his consulting radio engineer that either of the channels now assigned to Ponce could be assigned for use at Mayaguez and still be within the minimum mileage separation required by the Commission's rules; that, in view of these facts, counsel for El Mundo, Inc., and Ponce de Leon Broadcasting Company Inc., of P. R., have decided that in order to avoid the expense and delay of the instant hearing they would jointly file a petition requesting the Commission to allocate one of the Ponce channels to Mayaguez; that if such allocation is made, El Mundo, Inc., would thereupon amend its application to specify the use of such channel; and that thereby it would be possible for the Commission to grant both of the applications without a hearing. Counsel for El Mundo, Inc., stated on the record that the above statement also reflects the position of his client and that he has instructed his own consulting radio engineer to prepare the necessary engineering statements to support the joint petition to move the Ponce channel to Mayaguez.

3. In view of this development, it was agreed between the Hearing Examiner and all of the parties to the proceeding, including counsel for the Broadcast Bureau, that no useful purpose would be served in following the Commission's new hearing procedures with respect to reaching stipulations and determining other procedural matters in preparation for a competitive hearing which may never materialize. It was therefore agreed between all of the said parties that under the circumstances the pre-hearing conference should be continued without date.

Accordingly, it is therefore ordered, This 18th day of July 1955, that the pre-hearing conference in the above-entitled proceeding is hereby continued without date.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-6012; Filed, July 25, 1955;
8:47 a. m.]

[Docket No. 11310; FCC 55M-408]

NORTHERN CORP. (WMEX)

ORDER SCHEDULING HEARING

In the matter of The Northern Corporation (WMEX) Boston, Massachusetts, Docket No. 11310, File No. BR-833; for renewal of license.

It is ordered, That Hugh B. Hutchison is assigned to preside at the hearing in the above-entitled matter, schedule for 10:00 a. m., Tuesday, September 13, 1955, at Washington, D. C.

Dated: May 4, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-6013; Filed, July 25, 1955;
8:47 a. m.]

[Docket No. 11366; FCC 55M-410]

CARL F. KNIERIM AND SARAH KNIERIM

ORDER SCHEDULING HEARING

In the matter of Carl F. Knierim and Sarah Knierim (A Partnership) Hermon, Oregon, Docket No. 11366, File No. BP-9330; for construction permit.

It is ordered, That William G. Butts is assigned to preside at the hearing in the above-entitled matter, scheduled for 10:00 a. m., Tuesday, July 26, 1955, at Washington, D. C.

Dated: May 4, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-6014; Filed, July 25, 1955;
8:47 a. m.]

[Docket Nos. 11055, 11056; FCC 55M-655]

AIRCALL, INC. AND TELEPHONE ANSWERING
SERVICE

ORDER CONTINUING HEARING

In re applications of Aircall, Inc., Detroit, Michigan, Docket No. 11055, File No. 744-C2-P-54; John W. Bennett, d/b as Telephone Answering Service, Flint, Michigan, Docket No. 11056, File No. 276-C2-P-54, for construction permits for one-way signaling stations in the Domestic Public Land Mobile Radio Service.

The Hearing Examiner having under consideration informal agreement of

the parties with respect to continuance of the above-entitled proceeding;

It is ordered, This 20th day of July 1955, that the hearing now scheduled for July 25, 1955, is continued until August 18, 1955, at 10:00 a. m.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-6021; Filed, July 25, 1955;
8:49 a. m.]

[Docket No. 11271; FCC 55M-658]

RADIO TIFTON (WTIF)

ORDER CONTINUING HEARING

In re application of Charlie H. Parish, Jr. and Charlie H. Parish, Sr., d/b as Radio Tifton (WTIF), Tifton, Georgia, Docket No. 11271, File No. BP-9415; for construction permit.

The Hearing Examiner having under consideration a petition for continuance filed on July 14, 1955, by Tifton Broadcasting Corporation, licensee of Station WWGS, Tifton, Georgia, a party in the above-entitled proceeding;

It appearing that no opposition has been expressed by any of the other parties to this request and that owing to the commitments of counsel and the Hearing Examiner in other proceedings heretofore scheduled a continuance of this hearing is required;

It is ordered, This 21st day of July 1955, that the hearing in the above-entitled proceeding which is now scheduled for July 26, 1955, is continued to 10:00 a. m. September 19, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-6022; Filed, July 25, 1955;
8:49 a. m.]

[Docket No. 11310; FCC 55M-634]

NORTHERN CORP. (WMEX)

ORDER CONTINUING HEARING

In re application of The Northern Corporation (WMEX), Boston, Massachusetts, Docket No. 11310, File No. BR-833; for renewal of license.

Pursuant to an informal pre-hearing conference held in the above-entitled proceeding on July 12, 1955, which was attended by counsel for the applicant and for the Chief of the Broadcast Bureau, it was agreed by all of the parties that due to another hearing now assigned to the undersigned Hearing Examiner which would create a conflict as to dates, the hearing in the instant proceeding should be postponed from the date now scheduled, namely, September 13, 1955, for a period of one week.

It is therefore ordered, This 13th day of July 1955, that the hearing in the above-entitled proceeding is hereby postponed until 10:00 o'clock a. m., on Tues-

day, September 20, 1955, in the offices of this Commission, Washington, D. C.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-6023; Filed, July 25, 1955;
8:49 a. m.]

CANADIAN-UNITED STATES TELEVISION
AGREEMENT

REVISION OF TABLE TO SHOW CURRENT
STATUS OF CHANNEL ASSIGNMENTS IN
CANADA

Revision of Table A of the Canadian-United States Television Agreement to show current status of channel assignments in Canada.

A number of changes have been made in Table A of the Canadian-USA Television Agreement (TIAS 2594) since it was last published by the Commission. These changes have been made by mutual agreement between the Federal Communications Commission and the Canadian Department of Transport, in accordance with the provisions of section H of the agreement.

The attached revision of Table A lists television channels assigned to communities in the Dominion of Canada, within 250 miles of the Canada-United States border as of July 1, 1955. A limited number of copies of this list will be available at the Commission's Washington, D. C., offices, upon request. This table supersedes the October 12, 1953, revision.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

TABLES OF ASSIGNMENTS WITH OFFSET
DESIGNATION

REVISED TO JULY 1, 1955

Offset Carrier Designators

Italic=Zero offset frequency.
+=Plus 10 kc.
-=Minus 10 kc.

TABLE A—CANADA

ALBERTA		Channel No.
City		
Calgary	2+, 4, 10, 12, 17, 23, 29, 35	
Edmonton	3, 5— 11—, 13+	
Grande Prairie	2—	
Lacombe	8	
Lethbridge	7, 22+	
Medicine Hat	6—, 15—	
Red Deer	6	

BRITISH COLUMBIA

Chilliwack	3, 42
Cranbrook	19+
Dawson Creek	5
Fernie	24+
Kamloops	4+, 16
Kelowna	13, 21
Nanaimo	48
Nelson	5, 17—
New Westminster (see Vancouver).	
Penticton	15+
Port Alberni	19
Prince Rupert	6+ 7
Trail	11, 14
Vancouver-New Westminster	2+
	8+, 10+, 14+, 30, 36
Vernon	2, 27
Victoria	6, 40, 46

MANITOBA		Channel No.
City		
Brandon	5+, 9+, 11, 21, 32	
Dauphin	8, 14+	
Flin Flon	3+	
Portage la Prairie	34	
St. Boniface (see Winnipeg).		
Winnipeg-St. Boniface	4+	
	6— 7+, 13, 18—, 24+, 30, 30+, 42—	

NEW BRUNSWICK

Cambellton	12, 20+
Edmunston	13—, 37—
Fredericton	9+, 28
Moncton	2, 16
Newcastle	18
St. John	4+, 6—, 17—, 23
St. Stephen	26—
Sackville	8+, 22
Woodstock	36—

NOVA SCOTIA

Amherst	41+
Antigonish	9, 34
Bridgewater	10, 43+
Halifax	3, 5, 12+, 15, 21, 27, 37
Kentville	19—
New Glasgow	18—
Sydney	2+, 4, 6, 15+, 21+
Truro	31
Windsor	25+
Yarmouth	13—, 14

ONTARIO

Barrie	3+, 14
Belleville	39—
Brantford	16+
Brockville	46—
Chatham	14—
Cornwall	36
Fort Frances	5, 19—
Fort William (see Port Arthur).	
Guelph	55
Hamilton	11+, 51, 57, 68, 78
Kenora	9, 22—
Kingston	11—, 26—, 44—
Kirkland Lake	9—
Kitchener	13+, 45+
London	10, 18
Niagara Falls	23+
North Bay	10—, 15
Orillia	30
Oshawa	53—
Ottawa-Hull	4+, 9+, 30— 40+
Owen Sound	26
Pembroke	13—, 32
Peterborough	12+, 22
Port Arthur-Fort William	2,
	4—, 14, 20, 30+
St. Catharines	49—
St. Thomas	24+
Sarnia	40
Sault Ste. Marie	2—, 12+, 22+
Smiths Falls	42
Stratford	27—
Sudbury	5, 7, 17—, 23+
Timmins	6
Toronto	6+, 9, 19—, 25
Windsor	9—, 32+, 38—
Wingham	8—, 36
Woodstock	47

PRINCE EDWARD ISLAND

Charlottetown	13+ 14+
Summerside	11, 20

QUEBEC

Amos	4
Chicoutimi	2+, 12+, 14
Drummondville	19—
Granby	25
Hull (see Ottawa, Ont.).	
Jonquiere	20
La Sarre	13
Matane	23—, 7
Montreal-Verdun	2, 6—, 10, 12, 15+, 44
New Carlisle	5, 14—
Quebec	4, 5—, 9, 11+, 29, 39
Rimouski	3—, 21—

QUEBEC—continued

City—Continued	Channel No.
Riviere du Loup	6, 30+
Roberval	8, 17
Rouyn	11+
St. Hyacinthe	59+
Ste. Anne de la Pocatiere	10+, 33+
Shawingan Falls	27
Sherbrooke	7, 42—, 43—
Sorel	17—
Thetford Mines	31+
Three Rivers	13, 21
Val D'Or	8
Valleyfield	33—
Verdun (see Montreal).	
Victoriaville	37+
Ville Marie	2

SASKATCHEWAN

Gravelbourg	22
Moose Jaw	4— 7—, 18+, 24—
North Battleford	3—
Prince Albert	11
Regina	2, 9—, 12, 21+, 27
Saskatoon	8+, 13—
Swift Current	14
Watrous	6, 39—
Yorkton	3, 15+

YUKON

Dawson	3
Whitehorse	2+

[F. R. Doc. 55-6024; Filed, July 25, 1955;
8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-5194]

BUHL STANLEY

NOTICE OF APPLICATION AND DATE OF
HEARING

JULY 19, 1955.

Take notice that Buhl Stanley (Applicant) an individual whose address is Harrisville, West Virginia, filed on November 22, 1954, an application for a certificate of public convenience and necessity pursuant to Section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to produce natural gas from Union District, Ritchie County, West Virginia, and to continue to sell it in interstate commerce to Carnegie Natural Gas Company for resale. The sales price is 20 cents per Mcf.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 19, 1955, at 9:45 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of Section 1.30 (c) (1) or (c) (2) of the

Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 8, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-6017; Filed, July 25, 1955;
8:48 a. m.]

[Docket No. G-8932, Etc.]

PACIFIC NORTHWEST PIPELINE CORP. ET AL.

NOTICE OF AMENDMENT TO APPLICATION

JULY 20, 1955.

In the matters of Pacific Northwest Pipeline Corporation, Docket Nos. G-8932, G-8933, and G-8934, El Paso Natural Gas Company, Docket No. G-8940, Nevada Natural Gas Pipe Line Co., Docket No. G-8997.

Take notice that on July 18, 1955, Pacific Northwest Pipeline Corporation (Pacific), a Delaware corporation with principal office at Houston, Texas, filed an amendment, designated a Supplement to its original application filed May 23, 1955, in Docket No. G-8934.

In its original application filed May 23, 1955, Pacific proposed, among other things, to make available to El Paso Natural Gas Company (El Paso) a maximum of 250,000 Mcf (14.9 psia) per day, for ultimate consumption in the State of California. This amendment has reference only to the sale of said 250,000 Mcf per day.

Under the Alternate Plan as proposed by Pacific in its said Supplement, instead of delivering a maximum of 250,000 Mcf of gas per day to El Paso, Pacific proposes to sell such gas in its existing certificated market areas. According to the exhibits filed with said Supplement, Pacific proposes to sell the said 250,000 Mcf of gas to the following customers at the quantities indicated for the fifth year of operation:

Shelton.....	1,147
Bremerton.....	5,737
Twin Cities Gas Co. (Aberdeen Division).....	12,113
Additional sales to Certificated Docket.....	71,709
Special interruptible sales to:	
Portland Gas & Coke Co.....	
Seattle Gas Co.....	
Washington Gas & Electric Co.....	115,606
Cascade Natural Gas Corp.....	
Twin Cities Gas Co.....	
Additional direct sales:	
Patlatch Forests, Inc.....	19,063
Superior Portland Cement Co.....	7,000
Phillips Pacific Chemical Co.....	18,000
U. S. Vanadium Co.....	2,500
Vanadium Corp. of America.....	2,500
	252,375

(At 14.73 p. s. i. a.)

The following additions and modifications to the original application are pro-

posed in the Supplement in order to make deliveries to the new additional markets to be served.

1. New Facilities not described in Applicant's Original Application:

28 miles of 6-inch lateral line extending from a point on the main line near Burlington, Washington, to Concrete, Washington. The cost of installing this facility is estimated at \$490,333.

2. Changes in Facilities described in Applicant's Original Application:

(a) Increase the diameter of the 10 mile Portland lateral from 10-inches to 18-inches. The additional cost for such pipe size increase is estimated at \$570,186.

(b) Increase the diameter of the 74.5 miles section of the Spokane lateral extending from a point on the main line at the Columbia River to the Lewiston lateral from 16-inches to 20-inches. The additional cost for such pipe size increase is \$356,871.

(c) Increase the diameter of the 87.2 mile section of the Lewiston lateral extending from the Spokane lateral to Lewiston from 10-inches to 12-inches. The additional cost for such pipe size increase is estimated at \$369,548.

The total estimated increased cost involved in making the pipe size changes as shown above is \$1,786,738.

Certain changes in horsepower at Compressor Stations 11, 14, 16, and 17 will be necessary which will result in a decrease of 7,000 horsepower.

The estimated investment cost involved in installing the compressor stations as herein proposed is therefore reduced by \$1,575,000. Deducting this saving from the increased investment cost involved in the pipe size changes results in a net increase in estimated costs of \$211,738. However, certain changes will be effected in miscellaneous facilities such as metering and regulating stations. It is estimated that such changes will decrease the costs of installation by \$11,268, which, when deducted from the above figure of \$211,738 leaves an over-all installation increase estimated at \$200,470.

The above-entitled matters were set for public hearing in a Hearing Room of the Federal Power Commission, 441 G Street N.W., Washington, D. C., commencing July 18, 1955, which hearing is now in session.

Protests or petitions by any additional parties to intervene in these proceedings may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 8, 1955.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-6018; Filed, July 25, 1955;
8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 21, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of

Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 30869: Soybeans—Iowa to Danville, Ill. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on soybeans, carload from specified points in Iowa to Danville, Ill.

Grounds for relief: Destination rate relations with Chicago, Ill., and circuitry.

Tariff: Supplement 1 to CGW RR tariff I. C. C. 5624 and two other tariffs.

FSA No. 30870—Coal and briquettes—to Alabama. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on coal and coal briquettes, carloads from Pocahontas fields in Kentucky, Virginia, and West Virginia on the Chesapeake and Ohio, and Virginian railways, to specified points in Alabama in the Birmingham district area.

Grounds for relief: Circuitous routes.

Tariff: Supplement 26 to Chesapeake and Ohio Railway tariff I. C. C. 13007 and one other tariff.

FSA No. 30871. Iron and steel articles—Waukegan, Ill., to St. Ignace, Mich. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on iron and steel articles, carloads, from Waukegan, Ill., to St. Ignace, Mich.

Grounds for relief: Circuitous routes. Tariff: Supplement 54 to C&NW tariff I. C. C. No. 11132 and two other tariffs.

FSA No. 30872: Petroleum and products—Louisiana and Texas to W. T. L. points. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on petroleum and petroleum products, carloads, from specified points in Louisiana and Texas to specified points in Colorado, Nebraska, Utah, and Wyoming.

Grounds for relief: Circuitous routes. Tariff: Supplement 42 to Agent Kratzmeir's I. C. C. 4066.

FSA No. 30873: Fertilizer and materials—Georgia and Tennessee to Canada. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on fertilizer and fertilizer materials, carloads, from Atlanta and East Point, Ga., and Kingsport, Tenn., to Fort Chambly and Montreal, Quebec, and Guelph and Toronto, Ontario, Canada.

Grounds for relief: Circuitous routes. Tariff: Supplement 49 to Agent Spaninger's I. C. C. 1366.

FSA No. 30874. Export and import rates from and to points in official territory. Filed by H. M. Engdahl, Agent, for interested rail carriers. Rates on various commodities, moving on carload (class or commodity) rates, from specified points on the Baltimore and Ohio Railroad in Illinois, Indiana, and Ohio on export traffic to southern ports, and from such southern ports on import traffic to the same points in Illinois, Indiana, and Ohio.

Grounds for relief: Competition with North Atlantic ports and circuitous routes.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

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